

## SENATE—Monday, July 11, 1983

The Senate met at 12 noon, and was called to order by Hon. THAD COCHRAN, a Senator from the State of Mississippi.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Unless the Lord build the house, those who build it labor in vain. Unless the Lord watches over the city, the watchman stays awake in vain.—Psalm 127: 1.*

We thank Thee gracious Lord for the benefits enjoyed during recess: the time with our families, rest and relaxation, contacts with the people, and the work accomplished in office here and at home. We pray Thy peace and comfort for those working with Senator MELCHER who suffered the tragedy in his home office.

Now the Senate faces a demanding schedule. Help us Lord to order our priorities rightly. Deliver us from the futility of lost causes and bankrupt ideas. Save us Lord from thinking we are thinking when all we are doing is rearranging our prejudices. Help us to think originally, creatively, constructively. Lord God, let Thy will be done in hearts and homes and offices. We pray in the name of Him whose human perfection lay in obedience to Thee. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., July 11, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THAD COCHRAN, a Senator from the State of Mississippi, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. COCHRAN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

## THE TWO OPTIONS OF FRANZ KAFKA

Mr. BAKER. Mr. President, last Sunday, July 3, marked the 100th anniversary of the birth of Franz Kafka. In honor of this great man, this week's poem will be in the form of a letter, one that Kafka wrote to his friend Max Brod on October 8, 1912. In the letter, Kafka revealed that he felt like he only had two options left open to him, and I ask unanimous consent that passages from the letter be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

... either to jump out the window after everyone has gone to bed or go to the factory and my brother-in-law's office daily for the next fourteen days. The first would give me the opportunity to rid myself of all responsibility for my interrupted writing and the neglected factory; the second would cut short my writing, of course—I simply can't wipe the sleeplessness of fourteen nights out of my eyes—but would allow me, if I had enough willpower and hope, the prospect of again possibly taking up at the point where I stopped today.

But I haven't jumped and the temptation to make this letter a farewell letter (my reasons for writing it lie in other directions) is not very strong. I stood at the window for a long time, pressing my face against the glass, and I felt more than once like scaring the toll-collector on the bridge by my plunge. But during all that time I had too firm a hold on myself to become depressed by the decision to the point of smashing myself to pieces on the pavement. It also seemed to me that staying alive would interrupt my writing less—even if all one does is talk about interruption—than death, and that between the beginning of the novel and its continuation in two weeks I will somehow, while in the factory and satisfying my parents, move and live in the heart of my novel.

## TRIBUTE TO FORMER SENATOR LEN JORDAN

Mr. BAKER. Mr. President, may I take this opportunity to express my regret at the passing of our former colleague, the Senator from Idaho, Len Jordan. Len Jordan died on June 30 at the age of 84.

Senator Jordan served in the Senate from 1962 to 1973, and was a respected member on this side of the aisle. Before arriving in the Senate, Len served as a member of the International Development Advisory Board and as Governor of Idaho from 1951 to 1955. He also served in the Idaho Legislature.

I know all Members will join in sending their sympathies to Senator Jordan's wife Grace, to the Jordan family

and the State of Idaho for the loss of a distinguished public servant.

## THE RECORD OF ACHIEVEMENT OF THE SENATE DURING THE FIRST SESSION, 98TH CONGRESS

Mr. BAKER. Mr. President, I would like to take a moment on this, the Senate's first day of business after the July 4 recess, to reflect on the Senate's truly remarkable record of achievement in the first session of the 98th Congress.

Since the beginning of this session, the Senate has passed 248 pieces of legislation, including 75 Senate bills, 43 Senate joint resolutions, 77 Senate resolutions, 14 Senate concurrent resolutions, 23 House resolutions, 8 House joint resolutions, and 8 House concurrent resolutions. This is a remarkable yield for this body, and I want to congratulate all Members of the Senate.

Many of our accomplishments this session have been difficult; several of them have been indeed historic. The Senate passed H.R. 1900, the social security reform measure that insures the continued safety of social security. The Senate passed S. 529, the Immigration Reform and Control Act of 1983, which is a sweeping and much-needed adjustment of our Nation's immigration policies. After an arduous debate, the Senate approved Senate Concurrent Resolution 27, the first concurrent budget resolution for fiscal year 1984. The Senate also did what it likes to do least of all, I sometimes think, and that is pass an increase in the debt limit, H.R. 2990.

Perhaps equally as remarkable is the fact that the Senate has received six appropriations bills from the House, and has already passed four. Comparatively, in 1981 and 1982, no appropriation bills had been passed or even received by this time in the Senate.

Other measures that the Senate has passed this session include: H.R. 1718, the payment-in-kind tax treatment for farmers; S. 46, the Shipping Act; S. 144, the International Trade and Investment Act; S. 445, the Bankruptcy Act; S. 695, the IMF authorization; and S. 66, the Cable Telecommunications Act.

There have been 12 wilderness related bills passed thus far by the Senate in the 98th Congress, including the adoption of S. 96 which authorizes the acquisition of land for an addition to the Effigy National Forest, and S. 543, the Wyoming Wilderness Act, which includes certain national forest system

lands in the State of Wyoming for inclusion in the National Wilderness Preservation System.

In the area of foreign affairs, the Senate proved that it was ready to meet the challenge of global developments and relations. Senate Resolution 112 expressed the Senate's concern for the refugees and civilians caught in the armed conflict on the Thailand and Kampuchea border. Senate Concurrent Resolution 11 protested Soviet emigration policies and called on the Soviet leadership to improve their human rights positions. The plights of Anatoly Shcharansky, Andrei Sakharov and Ida Nudel were characterized through Senate Resolution 133 and Senate Joint Resolution 96 which also reflected on the problem of Soviet Jewry and Helsinki Human Rights Day.

At home, National Child Abuse Prevention Week was the driving force behind Senate Joint Resolution 21, and Women's History Week was recognized. S. 61 authorized the establishment of the Nancy Hanks Center, which commemorated the achievements of the former head of the National Endowment for the Arts. Senate Resolution 132 supported Small Business Week in America.

Mr. President, obviously, none of these accomplishments could have been done without the cooperation of Members from both sides of the aisle and, in particular, the distinguished minority leader. I wish to thank him and my colleagues for enabling the Senate to act in quite a productive manner.

#### SENATE SCHEDULE

Mr. BAKER. Mr. President, under the order previously entered, the Senate stood in adjournment until noon today, and by unanimous consent the reading of the Journal has been dispensed with, the call of the calendar has been dispensed with, no resolutions shall come over under the rule, and the morning hour has been deemed to have expired.

There will be a period for the transaction of routine morning business, Mr. President, of not more than 1 hour in length in which Senators may speak for not more than 10 minutes each.

May I say, Mr. President, if there is no demand for time for the transaction of routine morning business prior to the hour of 1 p.m., it will be the intention of the leadership to advance the time for the consideration of the Department of Defense authorization bill to an earlier hour, perhaps as early as 12:30.

#### DEFENSE AUTHORIZATION BILL

The reason for that is that the bill, of course, is a controversial measure; there will be a great deal of debate on

it. It is the intention of the leadership on this side to ask the Senate to finish this bill this week, and in order to do so we will need all the time we can get. It grieves me to say so, but it also means that it may be necessary to ask the Senate to stay in late evenings in order to accomplish that purpose. But I think it is absolutely essential that we make our best efforts, indeed that we succeed in passing the Department of Defense authorization bill this week not only because it is an important measure but also because there are appropriations bills and other important pieces of legislative business that are stacked up behind it that must be dealt with in the month of July.

Mr. President, is there any time remaining for me under the standing order?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. BAKER. Mr. President, I yield it to the acting minority leader, if he wishes.

#### RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. BINGAMAN. Mr. President, we have no need for the time of the Democratic leader and, therefore, I yield that time back.

#### ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 10 minutes each.

#### 30TH ANNIVERSARY—APSA CONGRESSIONAL FELLOWSHIP

Mr. PROXMIRE. Mr. President, I am pleased to recognize the American Political Science Association's congressional fellowship program on its 30th anniversary. It is the oldest programs on Capitol Hill designed to place professionals from a variety of backgrounds in Congress for a year. During their time here, they contribute their skills and talents in return for a valuable and much valued educational experience.

Since 1953, the American Political Science Association has sponsored congressional fellowships for more than 1,000 scholars, journalists, Federal executives, and professionals from this country as well as from other nations. Originally begun as a small program with only six fellows—five political scientists and one journalist—the congressional fellowship program now includes between 40 and 50 fellows each

year from many different backgrounds and funded in a number of different ways.

The current class includes newspaper and television journalists, Federal agency professionals, foreign service officers, social scientists, and foreign fellows sponsored by the German Marshall Fund and the Asia Foundation. Each of them competes for the opportunity to spend a year in Congress.

Over the years, more than 30 congressional fellows have worked in my office. As I look around me today, I realize that three of my senior staffers—one in my office and two with the committees on which I serve—first came to me as ASPA congressional fellows.

Congressional fellows are serious, hard working, and try to get the most out of their experience here. They also exhibit strong characteristics.

For instance, they are persistent, yes, sometimes very persistent. One Saturday, when a new fellow had been assigned to cover my office phones, I happened to call in. He asked me my name, then demanded that I repeat it. Finally, he made me spell it.

Fellows have inquiring minds. One once tried to chronicle the lives and loves of my personal staff. He was a tireless questioner. Finally, my administrative assistant gave him the ultimate hint. He moved the fellow's desk and chair outside into the corridor.

Fellows get the opportunity to work on important, sometimes risky assignments. In my office one of the most interesting and coveted jobs is getting to work on the Golden Fleece Award, a prize I give monthly to the biggest, most ridiculous, or most ironic example of Government waste. Once a fellow in the office researched a fleece which, when released, happened to make one very large former all-pro—NFL that is—defensive tackle very angry. Phone calls were exchanged and the football star told us he was coming to visit. That caused a hurried huddle in the office. We discussed all the options. Who should carry the ball? Obviously the fellow. The defensive tackle showed up that day, all 275 pounds of him. But the fellow? We just could not find him.

Mr. President, fellows come to Congress to learn. But while they are here they do some teaching as well. Journalists in my office have shown us how to research an issue. Civil servants have enriched our understanding of how laws are actually administered. Both sides profit from the program, which is the reason I think it is so valuable. For 30 years, the American Political Science Association's congressional fellowship program has been an economical, cost-effective way to draw upon an important resource for the Congress. My congratulations on the



program's 30th anniversary. I hope there are many more to come.

#### HOW A SINGLE NUCLEAR BOMB COULD PARALYZE THE UNITED STATES

Mr. PROXMIRE. Mr. President, without killing or injuring a single American, the electromagnetic pulse—known as EMP of just one 10 megaton nuclear bomb exploded at 300 miles above Kansas City could literally destroy the operations of our Nation's banks, telephones, and electric utilities. It could shut down the Social Security Administration. It could close much of the FBI. It could keep the Internal Revenue Service from collecting taxes. In an article in the June 28 issue of the New York Times, David Burnham spells out in detail how this could happen. The likelihood of such an explosion this year or next is probably small, but as the arms race speeds ahead, and technology races along with it, the situation could change. Then any of a number of countries—or even a terrorist organization which came into possession of such a nuclear weapon and the capacity to lift it far above the Earth and explode it, could paralyze this country.

Back in 1962, the United States exploded an experimental hydrogen bomb 248 miles above the Pacific. In a split second, 800 miles away in Hawaii, street lights failed, burglar alarms started ringing, and circuit breakers popped in powerlines. Today this country is especially vulnerable to such an explosion. More than half of our entire GNP is based on communication. Here is how the New York Times article describes our vulnerability to a 10 megaton nuclear explosion 300 miles over the center of our country.

Most of the Nation's banks could not operate without the complex electronic network operated by the Federal Reserve. The Internal Revenue Service could not collect taxes without its special network. The Federal Bureau of Investigation maintains a third national communications system that is used by Federal, State, and local criminal justice agencies all over the country to exchange information about wanted persons and stolen property. Several privately owned companies have developed computerized systems to provide local merchants almost instantaneous information about millions of Americans creditworthiness. All of this could perish with a single massive electromagnetic pulse.

We are spending nearly \$100 million annually to protect military weapons and military communication against the effects of an electromagnetic pulse. And there have been tentative efforts to discover how we might protect our vital communications and power systems. Spending money and

engaging in research unfortunately cannot assure us that we can develop the means of protecting our country at any cost. Generally military offensive measures can easily outpace any defensive measures. If a few hundred million or a few billion dollars can protect us against a rudimentary EMP from a 10 megaton bomb, would it protect us from a larger bomb, or a number of 10 megaton bombs? Could the electromagnetic pulse advance to a point where it could defeat any defense?

This development, Mr. President, should remind us of how very frail and fragile is our great country with our immensely productive economy, and how much more frail it is becoming with the onrush of the nuclear arms race. Here we stand as the supreme military power in the free world. We have a gross national product twice as great as the Soviet Union. Our science and technology is the envy of the world. And yet one bomb that killed no one, exploded hundreds of miles in the air, could in effect strike us deaf and dumb.

If we needed another reminder of the urgency of reaching a comprehensive halt to the arms race, an end to testing as well as the production and deployment of nuclear bombs, the electromagnetic pulse should be it. No one can foresee where the nuclear arms race may lead. But consider the possibilities of a nuclear attack preceded by some variation of the electromagnetic pulse that could destroy our communications industry. It would kill our electric transmission and thereby end radio and television communications. It might deaden our telephones. Five or ten years from now, our computers will have an even greater role, in fact, a vital role in running our economy. But with a sudden EMP, they could all die. We could in the fraction of a second become a helpless paralytic of a nation, unable to speak or hear and therefore unable to move as a national force.

Mr. President, I ask unanimous consent that the article to which I have referred from the Tuesday, June 28 issue of the New York Times by David Burnham be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 28, 1983]

#### EMP COULD DESTROY THE NATION'S COMMUNICATIONS.

(By David Burnham)

Technical experts in and out of government are concerned that the highly computerized economy of the United States could be brought to a crippling halt by the electrical effects of the explosion of a single nuclear weapon a few hundred miles over the center of the nation.

Because of this concern, the Reagan Administration has begun greatly expanding a program to protect radio stations, has started a research program to determine whether

steps can be taken to prevent the disruption of electrical power and has built a backup emergency phone system for the military.

"With the increasing computerization of our society, this is a very real problem that I believe that American people should be aware of," said George A. Keyworth 2d, the White House science adviser.

The invisible force, which some experts say could possibly be released in a limited nuclear war, would upset the vast electronic networks that have become so essential to the functioning of the nation's public and private operations. The force—called EMP, for electromagnetic pulse—would disrupt banks, telephones, electric utilities and vast Government agencies such as the Social Security Administration, the Federal Bureau of Investigation and the Internal Revenue Service.

All nuclear explosions create EMP, although the pulse dissipates rapidly in explosions close to the earth's surface. But if a nuclear device were detonated above the earth's atmosphere, there would be no blast, shock, heat or roar—only an invisible, speeding electromagnetic pulse. At this high altitude, gamma rays and X-rays produced by the blast shoot through space and spread out over an extraordinarily wide area. Scientists estimate that one 10-megaton burst 300 miles above the center of the United States would create an intense burst of EMP capable of blanketing the entire country with a pulse that would put 50,000 volts into every meter of antenna. Metal objects such as power and telephone lines would pick up the jolt of electricity and deliver it to computers and communication centers, where delicate silicon chips would be knocked out of action.

While military planners have worried about EMP for many years, its potential impact on the civilian economy has been given little consideration until recently. An example of this new concern was a statement issued last month by the Department of Energy warning that such an explosion could seriously disrupt virtually every aspect of American life because the nation's electrical power system is "highly vulnerable to major disturbances."

Edward Teller, the pioneer nuclear scientist, has also warned about the far-reaching impact of EMP. "Civilians should remember that their electronic watches might be destroyed, television sets might become inoperable, cars with electronic ignition might stop functioning, and almost every big industry with electronic components would be affected," he said last year.

The Pentagon first recognized that EMP was a significant force in 1962 when the United States exploded an experimental hydrogen bomb 248 miles above the Pacific Ocean. A split second later, 800 miles away in Hawaii, street lights failed, burglar alarms started ringing and circuit breakers popped open in power lines.

But EMP has become a growing concern in the last few years because the rapid computerization of almost every aspect of military and civilian life in this country has left the nation extraordinarily vulnerable to its power.

Most of the nation's banks could not operate without the complex electronic network operated by the Federal Reserve. The Internal Revenue Service could not collect taxes without its special network. The Federal Bureau of Investigation maintains a third national communications system that is used by Federal, state and local criminal

justice agencies all over the country to exchange information about wanted persons and stolen property. Several privately owned companies have developed computerized systems to provide local merchants almost instantaneous information about the credit worthiness of millions of Americans.

#### EFFECT OF TESTING BAN

Because of the ban on atmospheric testing, EMP experiments are hard to conduct because they must be simulated. Further compounding the difficulty of predicting the precise effects of EMP, experts say, are the different technical characteristics of the various large computerized networks.

Donald C. Latham, Deputy Under Secretary for Communications, Command, Control and Intelligence in the Defense Department, reflected this uncertainty in an interview: "The Bell System, for example, has subjected several of its switches to experimental jolts and they sailed through the tests with only a couple of minor glitches. But that's not to say we know that the national telephone system would survive a burst."

Another reason for the recent concern in the Government is the adoption by both the Carter and Reagan Administrations of a nuclear strategy that includes the possibility that this country might have to wage a "prolonged, limited nuclear war."

For a nation to conduct such a war, military analysts stress, much would depend on its ability to organize an effective civil defense that would enable a large part of the population to continue to house and feed itself.

Many experts question the likelihood that any nuclear war would be limited to the exchange of a handful of nuclear explosions. "My personal feeling is that if an attack ever came it would be a massive one on our cities and military bases and the effect of EMP on the civilian economy would be irrelevant," said Dr. Gordon K. Soper, a senior scientist in the Defense Nuclear Agency. "But there has been a good deal of talk about the possibility of a protracted nuclear war." Mr. Latham, the Pentagon official, expressed the same kind of ambivalence. "I don't think a cheap shot is likely, but there is no way we can know for sure." The possibility of using EMP as a one-shot weapon is not considered likely because of impossibility of predicting the exact response.

But the Reagan Administration is worried enough about such a possibility to be spending close to \$100 million a year on programs, some classified, related to protecting military weapons and communication lines against the effects of EMP, and on conducting research on how this little-understood phenomenon affects various kinds of equipment.

The Administration has also begun to increase spending on several limited programs intended to protect several of the communications and power systems so vital to the civilian economy. It is under these programs that the Federal Emergency Management Agency has requested \$3.7 million for a program to increase the ability of radio stations that would broadcast emergency warnings to withstand the effects of EMP and fallout. This is more than double what the agency is now spending on the same project. Agency officials said 125 of the 2,771 stations in the emergency communications network had so far been hardened to withstand EMP at an average cost of about \$60,000 per station.

#### PROTECTING AGAINST EMP

There are a number of complementary technical strategies to protect electrical

equipment against EMP. One is to build a thin metal shield around sensitive installations. Known as a Faraday cage, this shield acts as an antenna to soak up and remove EMP energy that would otherwise knock out the equipment. A highly experienced engineer who was asked not to be identified said this method had been adopted to protect some of the nation's most important intelligence computers and communication centers. Another strategy is to replace traditional copper lines with fiber optics, a communication technique that is resistant to EMP because the pulse passes right through the thin glass threads that make up fiber optic lines.

Another example of the Government's new concern about the effects of EMP on the civilian economy is its recent decision to finance a research program to better protect electrical utilities against EMP. Nearly 60 percent of the nation's electrical industry relies on delicate computers for the orchestration of power reduction. The initial phase of the protection research is expected to cost \$1 million.

"The potential chaos that may be created by high altitude EMP has national security implications," the Energy Department said in a statement explaining why it had started the new research program. "During a period of national crisis, electrical power will be required to operate military installations, civil defense facilities and critical industries. In addition, if EMP caused a disruption of the financial, manufacturing, retail, transportation and communication industries as well as basic utilities, serious economic and social consequences would result. Disruption of the nation's electrical power supply has grave implications."

In an article in *Spectrum*, the authoritative magazine of the Institute of Electrical and Electronics Engineers, Eric J. Lemer, a contributing editor, expressed similar concerns.

"The potential impact on the national power grid of a small number of high altitude EMP bursts would be comparable to that produced by large lightning bolts hitting every power line segment in the country," he said. "When it is considered that two ordinary lightning bolts were the proximate cause of the 1977 New York City blackout, it is easy to see why many analysts believe that a complete shutdown of the national power grid could be achieved by a handful of EMP detonations."

Robert Gradle, a vice president of the American Telephone and Telegraph Company, is somewhat less concerned about the effects of EMP on the telephone system.

"We live in an age when information transfer has become very important," he said. "Some say it now represents 50 percent of the gross national product. But I don't share the doomsday approach that things can't be made to work. Without enormous expense, however, we can't fix the existing plant and be 100 percent positive everything is going to work."

Mr. Gradle and other experts say that improving existing systems to resist EMP might cost almost as much as building the original equipment. New equipment capable of resisting EMP, however, would probably cost only 2 or 3 percent more than new equipment without such an ability, Mr. Gradle said.

#### JULY FOURTH AND HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, with the passing of our great Nation's 207th birthday, let us reflect on its significance. Our country is based on a belief in distinct human values and individual rights embodied in the Declaration of Independence and the Constitution. These include the right to choose one's religion and to profess one's beliefs and thoughts, rights which reflect dedication to the worth of humanity.

The act of genocide runs counter to these values by denying the fundamental worth of human life and individuality. Unfortunately, many such denials of these rights have occurred throughout history. Man's recent history is blotted with the U.S.S.R.'s continuous persecution of Jews, the Turkish extermination of numerous Armenians during World War I, and Nazism's terrible attempt at liquidating the European Continent of Jews. These happenings should remind us that not all the world shares our beliefs.

We, as a nation, should not stand idly by watching people the world over being denied their rights—including the most fundamental right, the right to live—because of their race, culture, or creed. It is our duty to help protect their rights.

In 1948, a move was made to acknowledge these rights, in the light of the then-recent Nazi Holocaust. The leader of the movement was the United States. We signed the Genocide Convention, as did many other countries. Yet this great body of which we are a part has failed to ratify it.

Our great Nation, which stands for freedom and human rights has not ratified a treaty embodying those rights. I urge that we ratify the Genocide Convention, lest we lose sight of those values upon which this country was founded over 200 years ago.

#### NOMINATION OF LANGHORNE A. "TONY" MOTLEY TO BE ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. MURKOWSKI. Mr. President, it is a great personal pleasure to again express my unqualified support for the nomination of Langhorne Motley to be Assistant Secretary of State for Inter-American Affairs. I have done so on several previous occasions.

The members of the Senate Foreign Relations Committee had an opportunity on June 28 of explore Ambassador Motley's qualifications for this important position. In the 97th Congress, the committee examined Ambassador Motley's knowledge of Latin American affairs during consideration of his nominations of the post of U.S. Am-



bassador of Brazil. The hearing on June 28 once more confirmed that Ambassador Motley is well suited for the rigorous demands which he will face as Assistant Secretary of State for Inter-American Affairs.

During yesterday's hearings, I questioned Ambassador Motley about his statement that there were "no quick fixes" to the problems of Central America. He replied that "it is true that democracy can be slow in achieving results, sometimes frustratingly so. But surely we have the patience to help our neighbors shield themselves from communism and build democratic institutions."

Mr. President, I am in total agreement with Tony's comments, both in terms of the need for patience and in terms of the frustration we all feel over the situation in Central America. The Soviet Union and its proxies—most notably Cuba and Nicaragua in this hemisphere—have become very adept at exporting revolution almost as a product—if I may be excused for stretching an analogy too far. If the tree of democracy is to grow and flourish in Central and South America, we must carefully cultivate that growth. Ambassador Motley is right—there are no quick fixes. It is my firm conviction that Tony will work well with administration officials, Congress, and the American public, as well as with our hemispheric neighbors, to improve and develop U.S. policy toward all the Americas.

I want to take this opportunity to express my appreciation to Senator PERCY and Senator HELMS, and the Foreign Relations Committee staff for their expeditious, yet thorough, consideration of this nomination. I'd also like to thank the distinguished majority leader for his willingness to schedule the pending confirmation vote early this morning so that Tony can get on with the many important challenges which await him.

In closing, I would like to congratulate Tony, his wife, Judy, and his daughters, Valerie and Allison, on Tony's remarkable performance to date, which I am sure would not have been possible without their consistent support and understanding; they have every reason to be very proud of Tony. I thank my colleagues for supporting this nomination.

#### THE ADMINISTRATION'S FAIR HOUSING BILL

Mr. KENNEDY. Mr. President, over the weekend, the President sought to suggest his concern for fairness to all Americans by unfurling a fair housing proposal. Actually, it was simply the same scheme that Secretary Pierce of HUD unsuccessfully tried to sell this spring.

What the President has given us is the rhetoric of fair housing, but not

the reality. Victims of discrimination need more than public relations and the recycling of a proposal that has already been rejected as plainly inadequate. It is a halfhearted approach, reminiscent of the administration's long, footdragging delay before it finally supported a strong Voting Rights Act last year.

Our Nation's minorities have testified repeatedly that the key to fast enforcement is the administrative hearings provided in the Mathias-Kennedy fair housing bill. Court suits would be too slow, because our courts are clogged and backlogged. Women, blacks, and Hispanics denied a home for their family need speedy relief, not long lawsuits.

If President Reagan was really serious about putting "teeth" into the act, he would have endorsed the strong bill already introduced by a bipartisan group of Senators and Representatives and backed by every major civil rights and women's group. Instead, he clearly hopes to patch his image with slogans, while dividing the Congress and thwarting a truly effective law.

#### JEROME B. WIESNER ON THE NUCLEAR WEAPONS FREEZE

Mr. KENNEDY. Mr. President, the Committee on Foreign Relations is presently considering the nuclear freeze and reductions proposal (S.J. Res. 2) which Senator HATFIELD and I introduced to this body. The House of Representatives considered a similar proposal this past spring and supported it nearly 2 to 1. I wish to draw the attention of my colleagues in Congress to a brilliant article on the nuclear freeze by Dr. Jerome B. Wiesner in today's New York Times. Dr. Wiesner, president emeritus and institute professor at the Massachusetts Institute of Technology, was science adviser to Presidents John F. Kennedy and Lyndon B. Johnson.

His article, entitled "Stockpile to Junkpile," is an insightful and eloquent analysis of the merits of a balanced and verifiable nuclear weapons freeze. Dr. Wiesner concludes that a freeze now "makes very good sense" and that "the risks in a freeze are incalculably smaller than the risks inherent in the continued escalation of weapons and polemics into the next century."

Dr. Wiesner also justifiably attacks the current stance of the administration toward arms control, a stance which rigidly insists on deploying the MX missile and a whole new generation of destabilizing nuclear weapon systems. I strongly agree with Dr. Wiesner that:

It takes more than bargaining chips and new missiles to stop the arms race. It requires, most of all, a sincere commitment and proposals that are balanced and fair to both sides. It requires also a proposal substantial enough to make it worthy of a

major effort. None of the proposals put forward recently by either superpower meets these criteria. The freeze does.

I ask that the full text of Dr. Wiesner's excellent and timely article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 11, 1983]

#### STOCKPILE TO JUNKPILE

(By Jerome B. Wiesner)

CAMBRIDGE, MASS.—Last fall, approximately 25 percent of the American voters were given an opportunity to consider a proposal for a balanced and verifiable freeze on the development, testing and deployment of nuclear weapons and their delivery systems. A majority of those who voted were for it. In the spring, members of the House of Representatives endorsed a similar proposition nearly two to one. On Wednesday, a freeze resolution is scheduled to come to a vote in the Senate Foreign Relations Committee, yet it is still not being considered seriously by the Administration or Congress.

Meanwhile, they have been concentrating on the MX missile as a bargaining chip. But it takes more than bargaining chips and new missiles to stop the arms race. It requires, most of all, a sincere commitment and proposals that are balanced and fair to both sides. It requires also a proposal substantial enough to make it worthy of a major effort. None of the proposals put forward recently by either superpower meets these criteria. The freeze does.

"Fatally flawed" was the President's reaction to the freeze proposal. What are these flaws? He doesn't specify them. In my view, the only flaws are ones easily fixed. The current freeze proposals are too vague, deliberately so, because their sponsors drafted them to draw maximum support, not to create a negotiating document. They insist that a freeze be balanced and verifiable, but they don't explain what this would mean.

What is to be balanced: Bombs? Missiles? Security? Fear? How can a freeze be verified? How thorough must verification be? How would peaceful space activities be accommodated? The answers to these and other important questions need to be spelled out. The President could start to keep his promise to Congress by serious consideration of a freeze.

A freeze now makes very good sense for several reasons. First, it is generally agreed that an acceptable balance of nuclear forces already exists. The United States has more nuclear warheads than the Soviet Union; theirs are larger. The Soviet Union has more and larger ballistic missiles than we do, but a much bigger fraction of the Soviet missiles are land-based and thus more vulnerable.

Most important, both sides have forces so much greater than needed to provide a secure deterrent that maintaining an exact balance is not essential. Actually, a change by a factor of two, up or down on either side, would not begin to undermine the existing stalemate. This means that there is no possibility of a winnable nuclear war. The only role for nuclear weapons is deterrence. This is a lesson that won't stay learned. Each new administration has to discover it all over again at the taxpayers' expense.

Second, existing national surveillance systems provide each side with more than enough information about the other's test-

ing and deployment of weapons to protect themselves against any buildup of missiles, present or new ones, or against a surprise technological breakthrough. Existing forces are so large that not even the unlikely invention of an effective antisubmarine system or a "Star Wars" missile defense system would undermine the other side's deterrent.

Some people object to the freeze because it does not immediately reduce or eliminate nuclear weapons. They should realize that a freeze would create the conditions favorable to reduction.

If testing of existing and new rockets and nuclear weapons were precluded, there would be a growing loss of confidence in their reliability and in the assumption that a given missile or bomb would function when its button was pressed. This is what first-strike proponents don't like about a freeze. No military commander or political leader would have much confidence in the success of a preemptive strike by weapons that had not been recently tested or demonstrated.

On the other hand, no one could be certain that a substantial number of them would not work. So, as time passed, there would be less and less fear of a first strike, but there would always remain a belief that some of the old weapons would work. This double uncertainty could obviously be a very effective deterrent. Moreover, it could well lead to reduction of stockpiles on both sides. (Even with flagging confidence in the reliability of the strategic weapons, the stockpiles of both countries would still be much larger than needed for an adequate deterrent.)

The risks in a freeze are incalculably smaller than the risks inherent in the continued escalation of weapons and polemics into the next century. If a freeze were achieved, nuclear weapons would slowly but surely become irrelevant to the security of both nations, and most of them would find their way from the stockpile to the junkpiles.

#### MISSISSIPPI LIONS ALL-STATE BAND VISITS THE CAPITAL

Mr. STENNIS. Mr. President, many musical bands visit Washington, D.C., each year, but I want to pay tribute today to a very special group, the Mississippi Lions All-State Band, which visited the Nation's Capital during the Fourth of July holiday.

This unique group of 127 of the most talented young musicians in Mississippi was selected through a very rigorous selection process requiring individual tryouts from more than 650 applicants from throughout the State. Students in the 9th through 12th grades are eligible for membership in the band, which makes a tour each year under sponsorship of the Mississippi Lions Clubs.

After the members are selected, they come together for 1 week of intensive training at Northeast Mississippi Junior College in Booneville, Miss. By intensive, I mean that they work almost steadily from 8 a.m. until 10 p.m. each day in preparation for a trip during which they will compete with bands who have performed together all year.

Since its organization in 1950 by Roy Martin of Greenwood, Miss., the Mississippi Lions All-State Band has visited many parts of our Nation, always representing Mississippi and the Lions in an excellent manner. Joe Berryman of Hattiesburg, Miss., has directed the band for many years and now holds the title of director emeritus. Mr. Berryman still travels with the band which is now directed by Dr. Kent Sills of Mississippi State University.

While in Washington, the Mississippi Lions All-State Band marched in the Fourth of July parade and performed concerts on the Capitol steps and in Lafayette Park. Although I was in Mississippi at the time, I have heard many fine reports from their performance and the good impression they made here.

Mr. President, I wish to commend the directors and leaders of this group and every member for the hard work which went into this tour. I also wish to congratulate the Lions Clubs throughout Mississippi for their sponsorship of this fine group.

The Mississippi Lions All-State Band represents the type of commitment to excellence which is so vital to our Nation's strength and to our system of government. I am personally proud of each member of this group, and I know all Mississippians join me in expressing appreciation to them and their leaders for a job well done.

#### REPRESENTATIVE JOEL PRITCHARD CITED AS LEGISLATOR OF THE MONTH

Mr. GORTON. Mr. President, on June 16, my distinguished colleague in the House of Representatives, JOEL PRITCHARD, who represents the First District of Washington, was cited by the Population Action Council as its Legislator of the Month. The award recognizes Mr. PRITCHARD's dedication to global humanitarian concerns and the achievement of world population stabilization.

Certainly the problem of bringing world population into balance with its resources ranks among the great challenges facing humankind today. Over the past decade and a half, the Population Action Council and its parent organization, the Population Institute, have been at the forefront of efforts to create an awareness of the overpopulation problem and to motivate world leaders to place this important issue high on the list of international priorities. In selecting Mr. PRITCHARD for this award, the Population Action Council honors an individual who understands that so many of our world problems—poverty, hunger, disease, unemployment, resource depletion, and environmental degradation—are rooted in or exacerbated by rampant population growth.

In accepting the award, Mr. PRITCHARD recalled that when he was an infantryman serving in the Pacific theater during World War II, the population of the Philippines was 12 million; today, some 40 years later, the population of that country is around 55 million and its population growth rate continues to be among the highest in that area of the world. Mr. PRITCHARD saw no hope of the Philippines solving its multitude of social and development problems unless it can substantially slow down its population growth.

Multiply the population problem in the Philippines by scores of other developing countries and you begin to have a picture of the devastating consequences of unchecked population growth. For it is in the developing world where 92 percent of the 1.7 billion increase in world population between now and the end of the century is projected to occur.

Mr. PRITCHARD has demonstrated his commitment to meet the population challenge, not only by his vote, but also by his diligent work on the House Foreign Affairs Subcommittee on Asia and the Pacific. It is the kind of work that a Member of Congress does, not because it can be translated into a bloc of votes back home but because the Member sincerely believes in it. It is the kind of work that a Member of Congress does because he feels it will lead to a better quality of life.

JOEL PRITCHARD personifies what a Member of Congress should be: An individual who works for the people of his district and State but who also works for people everywhere to the best of his or her ability and wisdom. His quiet sincerity and devotion to duty on matters such as the world population problem may not make daily headlines but they are symbolic of what Congress is all about.

#### MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of June 29, 1983, the Secretary of the Senate, on July 8, 1983, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on July 8, 1983, are printed at the end of the Senate proceedings.)

#### RESCISSION AND DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 64

Under the authority of the order of the Senate of June 29, 1983, the Secretary of the Senate, on July 7, 1983, received the following message from the



President of the United States, together with accompanying papers; which pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Labor and Human Resources:

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report a proposal to rescind \$15,000,000 in budget authority previously provided by the Congress. In addition, I am reporting four new deferrals of budget authority totaling \$34,795,142.

The rescission proposal is for the Department of State's migration and refugee assistance account. The deferrals affect Energy Activities, the Department of Health and Human Services, and the Board for International Broadcasting.

The details of the rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, July 7, 1983.

**ANNUAL REPORT ON THE STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 65**

Under the authority of the order of the Senate of June 29, 1983, the Secretary of the Senate, on July 7, 1983, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

*To the Congress of the United States:*

In accordance with the Wilderness Act of 1964 (Public Law 88-577), I herewith transmit the Eighteenth Annual Report on the status of the National Wilderness Preservation System for the calendar year 1981.

RONALD REAGAN.

THE WHITE HOUSE, July 7, 1983.

**MESSAGES FROM THE PRESIDENT**

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

**REPORT ON UNITED STATES INTERNATIONAL ACTIVITIES IN THE FIELD OF SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT—PM 66**

The Presiding Officer laid before the Senate the following message from the President of the United States, together

with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

In accordance with Title V of the Foreign Relations Authorization Act for Fiscal Year 1979 (Public Law 95-426), I am pleased to transmit the 1982 annual report on the United States Government's international activities in the field of science and technology. This report, as were its predecessors, has been prepared by the Department of State in collaboration with other concerned Federal agencies.

In the past year, there have been several important developments in our international science relationships, all of them reflecting one of our principal foreign policy goals—to give science and technology a more prominent position in our relations with other countries. This is important not only to the conduct of our foreign relations, but to the successful fulfillment of many of our own science and technology objectives. As I have indicated in my Annual Science and Technology Report to the Congress, international collaboration can help advance many of our own national interests. Thus, I have asked my science adviser, Dr. George Keyworth, to pay special attention to international affairs and, throughout the Federal government, concerted action has been taken to demonstrate our commitment to using the advances in science to overcome both national and international challenges.

There has been substantial progress. For the first time, international science cooperation was a subject for discussion among the leaders of the principal industrial democracies at the Versailles Summit. Those discussions led to a study by the Summit countries of the relationship between technology, employment, and growth, and to the establishment of eighteen new projects for cooperation among us. Although these projects will, in the first instance, be led by one or another of the Summit countries, they could eventually involve other countries and international organizations and lead, in time, to advances for countries of the Third World. These projects for enhanced cooperation were endorsed by the heads of state at the Williamsburg Summit and it was agreed that we would discuss them again at our next meeting.

Last July, Prime Minister Gandhi and I initiated a new program for enhanced scientific collaboration between the United States and India. A group of some of the most distinguished scientists from both our countries met in India in January and prepared a far-reaching program in medicine, agriculture, meteorology, and energy. Work began in April 1983, and

we expect to see the first results within the next twenty-four months.

Similarly, when I visited Brazil late last year, President Figueiredo and I reaffirmed our desire to strengthen science and technology collaboration. We have developed a program for joint work in five significant areas and, as part of our projected joint efforts in space, I proposed that a Brazilian payload specialist train with American astronauts for participation in a future space shuttle mission. When President Zia of Pakistan came to Washington in December, we agreed to establish a new Joint Commission to coordinate several bilateral activities, including common undertakings in science and technology.

In May, Dr. Keyworth led a highly successful mission to China for the third meeting of the U.S.-PRC Joint Commission for Scientific and Technological Cooperation. At the conclusion of the meeting, three new protocols on cooperation in nuclear physics and magnetic fusion, aeronautical science and technology, and transportation science and technology were signed. These supplement seventeen existing protocols that already include agriculture, students and scholars, space technology, high energy physics, and hydropower. In addition to the new protocols a memorandum of understanding on cooperation in the basic biomedical sciences was also signed. It is in our fundamental interest to advance our relations with China. Science and technology are an essential part of that relationship and I have taken steps recently to ensure that China has improved access to the U.S. technology it needs for its economic modernization goals. We will continue to assist China through mutually beneficial cooperative efforts in science and technology.

We are continuing our cooperation with the U.S.S.R. in science and technology. This is a complex matter made more difficult because of Soviet behavior regarding Afghanistan and Poland, as well as their efforts to acquire sensitive Western technology. Decisions to renew agreements are being made on a case-by-case basis taking these concerns into account along with the benefits to the U.S. through participation. For example, I have recently approved the renewal of an agreement for cooperation with the Soviets on atomic energy, with appropriate limitations to protect our interests while letting the work proceed.

These examples suggest the range of our international effort in science and technology, but they are hardly exclusive. We have programs with more than three dozen countries, in every part of the world, at every level of sophistication. Science, as we know, has always had a special international character, the advancement of science

can make profound contributions to freedom and prosperity around the world. These tasks are formidable, for our scale of measurement must be decades, even generations. For this reason alone, our government, in a cooperative spirit, will continue to work closely with others prepared to join with us.

RONALD REAGAN.

THE WHITE HOUSE, July 11, 1983.

#### PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolutions:

May 25, 1983:

S. 957. An act to provide for an increase in the number of members of the Congressional Award Board, and for other purposes.

May 27, 1983:

S. 653. An act to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes.

June 6, 1983:

S. 967. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986.

June 14, 1983:

S.J. Res. 75. Joint Resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week."

June 22, 1983:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984.

June 27, 1983:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

#### MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of June 29, 1983, the Secretary of the Senate on June 30, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House had passed the following bills, without amendment:

S. 680. An act entitled the "Gladys Noon Spellman Dedication"; and

S. 925. An act to make certain technical corrections in the Atlantic Salmon Convention Act of 1982.

Under the authority of the order of the Senate of June 29, 1983, the Secretary of the Senate on July 1, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act.

The message further announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 18. Joint resolution designating September 22, 1983, as "American Business Women's Day";

S.J. Res. 34. Joint resolution designating "National Reyes Syndrome Week"; and

S.J. Res. 68. Joint resolution to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans' Day."

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3415. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had signed the following enrolled bills:

S. 273. An act to amend section 8(a) of the Small Business Act;

S. 680. An act entitled the "Gladys Noon Spellman Dedication";

S. 925. An act to make certain technical corrections in the Atlantic Salmon Convention Act of 1982;

H.R. 1271. An act with regard to Presidential certification on conditions in El Salvador;

H.R. 1746. An act to authorize appropriations for the Navajo and Hopi Indian Relocation Commission;

H.R. 2065. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research of program management, and for other purposes;

H.R. 3132. An act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; and

H.R. 3135. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1984, and for other purposes.

Under the authority of the order of the Senate on June 29, 1983, the enrolled bills were subsequently signed on July 1, 1983, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

#### HOUSE MEASURE REFERRED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of June 29, 1983, the following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3415. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the said District for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

#### MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed

the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 861. An act to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 173. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the 7-day period commencing October 2, 1983, as "National Port Week."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 126. Concurrent resolution providing for the commemoration of the 100th anniversary of the birth of Harry S. Truman.

At 1:50 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3392. An act to amend the Agricultural Act of 1949.

#### HOUSE JOINT RESOLUTION REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 173. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the 7-day period commencing October 2, 1983, as "National Port Week"; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 126. Concurrent resolution providing for the commemoration of the 100th anniversary of the birth of Harry S. Truman; to the Committee on Rules and Administration.

#### HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3392. An act to amend the Agricultural Act of 1949.

#### ENROLLED BILLS PRESENTED

The Secretary reported that on July 1, 1983, he had presented to the President of the United States the following enrolled bills:

S. 273. An act to amend section 8(a) of the Small Business Act;



S. 680. An act entitled the "Gladys Noon Spellman Dedication"; and

S. 925. An act to make certain technical corrections in the Atlantic Salmon Convention Act of 1982.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1347. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on loans and credits to the Polish People's Republic; to the Committee on Appropriations.

EC-1348. A communication from the Secretary of State transmitting, pursuant to law, a report on loans and credits to the Polish People's Republic; to the Committee on Appropriations.

EC-1349. A communication from the President of the United States transmitting proposals for a net reduction in the request for supplemental appropriations for fiscal year 1983 and amended appropriation language for fiscal year 1984; to the Committee on Appropriations.

EC-1350. A communication from the President of the United States transmitting a request for supplemental appropriations for fiscal year 1983 for the Arms Control and Disarmament Agency; to the Committee on Appropriations.

EC-1351. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the examination of the attending physician's revolving fund financial statements for fiscal years 1981 and 1982; to the Committee on Appropriations.

EC-1352. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, a copy of the court's judgment order for the plaintiff in the Fort McDermitt Paiute Shoshone Tribe v. the U.S.; to the Committee on Appropriations.

EC-1353. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Lebanon; to the Committee on Armed Services.

EC-1354. A communication from the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs transmitting a draft of proposed legislation to authorize the President, in time of war or national emergency, to prescribe a course of instruction of not less than three years at the U.S. Military, Naval, and Air Force Academies, and to appoint graduates therefrom as commissioned officers without Senate confirmation; to the Committee on Armed Services.

EC-1355. A communication from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, a report on U.S. European manning plans; to the Committee on Armed Services.

EC-1356. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the food service function at the Naval Submarine Medical Center, Groton, Conn., to performance under contract; to the Committee on Armed Services.

EC-1357. A communication from the Deputy Assistant Secretary of the Defense for Reserve Affairs transmitting, pursuant

to law, a report on the Selected Reserve recruiting and retention incentives; to the Committee on Armed Services.

EC-1358. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, certain certifications relative to the GLCM missile system; to the Committee on Armed Services.

EC-1359. A communication from the Comptroller General of the United States transmitting pursuant to law, a report entitled "Air Force and Navy Trainer Aircraft Acquisition Programs"; to the Committee on Armed Services.

EC-1360. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a report on the strategic and critical materials stockpile; to the Committee on Armed Services.

EC-1361. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on four violations of law involving overobligation of appropriations; to the Committee on Armed Services.

EC-1362. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert the training and audiovisual support center activity at Fort Belvoir, Va., to performance under contract; to the Committee on Armed Services.

EC-1363. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions with Communist countries during May 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-1364. A communication from the executive director of the U.S. Olympic Committee transmitting, pursuant to law, the committee's financial statement for the year ended December 31, 1982; to the Committee on Commerce, Science, and Transportation.

EC-1365. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on an extension of time for acting on appeals in Volkswagen of America, Inc. v. The Baltimore and Ohio Railroad Co., et al. and an embraced proceeding, long-and-short haul application No. 43960, motor vehicles—Westmoreland, Pa., to named points in West; to the Committee on Commerce, Science, and Transportation.

EC-1366. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on customer pickup of food and grocery products; to the Committee on Commerce, Science, and Transportation.

EC-1367. A communication from the Secretary of the Federal Communications Commission transmitting, pursuant to law, a memorandum of opinion and order in certain broadcasting applications; to the Committee on Commerce, Science, and Transportation.

EC-1368. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting a draft of proposed legislation to implement the Convention on the Conversion of Antarctic Marine Living Resources; to the Committee on Commerce, Science, and Transportation.

EC-1369. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the international energy program on July 11 and 12, 1983 in Paris,

France; to the Committee on Energy and Natural Resources.

EC-1370. A communication from the Secretary of Energy transmitting, pursuant to law, a report on payment charges for interim storage of spent nuclear fuel; to the Committee on Energy and Natural Resources.

EC-1371. A communication from the Director of the Office of Technology Assessment, U.S. Congress, transmitting, pursuant to law, a summary and report brief on Industrial Energy Use; to the Committee on Energy and Natural Resources.

EC-1372. A communication from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation relating to authority of the Secretary to accept volunteer services in aid of the work of the Bureau of Land Management; to the Committee on Energy and Natural Resources.

EC-1373. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the program management plan for ocean thermal energy conversion systems; to the Committee on Energy and Natural Resources.

EC-1374. A communication from the President of the United States transmitting, pursuant to law, a report on the decision to grant import relief to the specialty steel industry; to the Committee on Finance.

EC-1375. A communication from the Secretary of the Treasury transmitting a draft of proposed legislation to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal years 1980 and 1981; to the Committee on Finance.

EC-1376. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the 54th quarterly report on trade between the United States and nonmarket economy countries; to the Committee on Finance.

EC-1377. A communication from the U.S. trade representative transmitting, pursuant to law, a resolution of the President's Advisory Committee for Trade Negotiations; to the Committee on Finance.

EC-1378. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation entitled "Child Support Enforcement Amendments of 1983"; to the Committee on Finance.

EC-1379. A communication from the board of trustees of the Federal Hospital Insurance Trust Fund transmitting, pursuant to law, its 1983 annual report; to the Committee on Finance.

EC-1380. A communication from the board of trustees of the Federal Supplementary Medical Insurance Trust Fund transmitting, pursuant to law, its annual report for 1983; to the Committee on Finance.

#### REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 29, 1983, the following reports of committees were submitted on July 5, 1983:

By Mr. TOWER, from the Committee on Armed Services, with amendments:

S. 1230. A bill to authorize appropriations for the fiscal year 1984 for intelligence activities of the U.S. Government, the Intelligence Community Staff, the Central Intelli-

gence Agency Retirement and Disability System, and for other purposes (Rept. No. 98-171).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1046: A bill to clarify the applicability of a provision of law regarding risk retention (Rept. No. 98-172).

S. 1424: A bill to amend Public Law 92-444 to reflect the change in the name of the Pacific Tuna Development Foundation to the Pacific Fisheries Development Foundation (Rept. No. 98-173).

By Mr. TOWER, from the Committee on Armed Services, with an amendment in the nature of a substitute and an amendment to the title:

S. 675: A bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes (Rept. No. 98-174).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Res. 118: A resolution to express the sense of the Senate in support of continued integrity of the National Oceanic and Atmospheric Administration.

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. Res. 172: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 675; referred to the Committee on the Budget.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. 1168: A bill to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma (Rept. No. 98-175).

By Mr. PERCY, from the Committee on Foreign Relations, with amendments, and amendments to the preamble:

S.J. Res. 111: A joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health.

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 1935: An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located in Matagorda Island in Texas (Rept. No. 98-176).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Ex. T, 96-1: Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the NAFO Convention) (Ex. Rept. No. 98-12).

Treaty Doc. 98-3: Eastern Pacific Ocean Tuna Fishing Agreement (Ex. Rept. No. 98-13).

Treaty Doc. 97-24: Shipping and Aircraft Tax Agreement with the Government of the People's Republic of China (Ex. Rept. No. 98-14).

Treaty Doc. 97-27: Tax Treaty (and Proposed Protocol) with the Government of New Zealand (Ex. Rept. No. 98-15).

Treaty Doc. 97-28: Tax Convention with the Government of Australia (Ex. Rept. No. 98-16).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. QUAYLE:

S. 1595: A bill to provide for a series of regional Presidential primary elections; to the Committee on Rules and Administration.

By Mr. TRIBLE (for himself, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. FORD, and Mr. HUDDLESTON):

S. 1596: A bill to amend the Internal Revenue Code of 1954 to exempt farm trucks from the heavy truck use tax where use on public highways does not exceed 10,000 miles; to the Committee on Finance.

By Mr. STAFFORD:

S. 1597: A bill to amend the Elementary and Secondary Education Act of 1965 to provide comprehensive elementary school guidance and counseling programs for elementary students through States and local educational agencies; to the Committee on Labor and Human Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEPSEN:

S. Con. Res. 51: A concurrent resolution expressing the sense of Congress that the 50 States and the District of Columbia should establish a program for the mutual recognition of the identification systems used by other States to indicate which vehicles are allowed to park in spaces reserved for the disabled; to the Committee on Governmental Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. QUAYLE:

S. 1595: A bill to provide for a series of regional Presidential primary elections; to the Committee on Rules and Administration.

##### PRESIDENTIAL PRIMARIES TIMING ACT

● Mr. QUAYLE. Mr. President, the season of Presidential politics is drawing near, and there are less than 9 months before the first Presidential primary of the 1984 elections. I believe the time has come to consider serious reform of our primary elections system. Today I am proposing one model for that reform.

Mr. President, the primary elections have gotten so out of hand that many pundits call the approaching campaigns the silly season of Washington. When Lewis Carroll described a cro-

quet game in "Alice in Wonderland", he could just as well have been describing our Presidential primary system:

The players all play at once, without waiting for turns. . . . They don't seem to have any rules in particular: at least, if there are, nobody attends to them—and you've no idea how confusing it is.

Now is the time for primary reform. Since 1968 the nominating process has been altered dramatically by the proliferation of Presidential primaries in the States. In 1980 there were 37, beginning in February with New Hampshire and finishing with what one commentator called Sweepstakes Day, June 3, when 8 States held primaries. The process in between is no longer a series of independent State primaries, as some claim, but a serialized national primary, like some bad soap opera, carried on over a 5-month period.

If I might quote the majority leader at the end of the 1980 campaign season, "It's going to bore us to death, work us to death and spend us to death."

Reform legislation is needed now if we are to check the tide moving toward earlier and earlier Presidential politics. Candidates, and potential candidates, recognize that Presidential nominations in 1984 could be sewn up before the two parties' midsummer national conventions. Many States, anxious to play some role in deciding the national tickets, are rushing to advance their own primaries as early as possible next year. In the last election we had caucuses. Now we have straw polls. Where does it end?

At least 11 States, according to U.S. News & World Report, are considering endorsing candidates on March 13, 1984—already being dubbed "Super Tuesday." It now appears that nearly half our States will have chosen their favorites by the end of March 1984. This drawn-out schedule gives disproportionate influence to small States with early caucuses and primaries, while larger States find the race nearly over by the date of their primaries. Many States west of the Mississippi are nearly disenfranchised by the whole process.

I am not proposing that we do away with individual States' ability to hold primaries. The truth of the matter is that nothing ever devised by the American political parties to maximize citizen participation approaches the success of the Presidential primaries. Far from wanting to do away with this stunningly popular institution, I want to make it even more accessible to all the people.

The fact the Presidential primaries are popular is clear. Twenty-four States held Democratic primaries for Governor in 1978 and Presidential primaries in 1980. The Presidential vote was bigger in 15 of those States. There



were 23 States which held Republican primaries for Governor in 1978 and Presidential primaries in 1980. On the Republican side, Presidential primaries won 18 to 5.

In a number of States the differences were dramatic. In Ohio, New Hampshire, and Vermont the Democratic Presidential vote doubled the gubernatorial vote. In Illinois, Kansas, and Wisconsin it was half again as large. On the Republican side, Presidential primary turnout doubled the 1978 primary vote in Alabama, Illinois, Wisconsin, Texas, and Georgia. Overall, the combined 1980 primary vote for President in the 24 combined States was 4 million more than the combined primary vote for Governor in 1978.

To preserve the popularity of this system, and to expand voter participation, I am proposing a regional primary system. My regional primary plan would do away with the biggest flaw in the current system—that it makes irrelevant the votes of those casting their ballots late in the primary system.

The purpose of my bill is to establish an orderly system of regional Presidential primaries, to be held on the second Tuesday of 4 consecutive months, March through June. The four regions are defined so as to correspond to the time zones within the United States. To insure that no region or group of States receives undue early attention from the candidates, the order of the four primaries is selected at random, by drawing separate lots 70 days before each primary date.

My plan would cover both primaries and caucuses—as defined by current law—so as to include any selection process for choosing delegates, and any expression of preference for nomination to the Presidential election.

In order for any candidate to be eligible for matching funds under the Presidential primary matching account, any candidate of a political party must agree to be on the ballot in at least one State in each of the four regions. The candidates must notify the Federal Election Commission in writing of the primary they intend to enter within each region.

Mr. President, the American people are soon to be dragged through another long and tortuous Presidential campaign. The race is on, more than a year and a half before election day. There is no better time for a national debate on reforming our Presidential primary system, and I propose that we begin that debate today. ●

By Mr. TRIBLE (for himself, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. FORD, and Mr. HUDDLESTON):

S. 1596. A bill to amend the Internal Revenue Code of 1954 to exempt farm

trucks from the heavy truck use tax where use on public highways does not exceed 10,000 miles; to the Committee on Finance.

#### FARM TRUCK TAX EXEMPTION ACT OF 1983

Mr. TRIBLE. Mr. President, I rise to introduce a bill which increases the 5,000 mile per year exemption for farm trucks from payment of the heavy vehicle use tax to 10,000 miles per year. This tax, which will go into effect on July 1, 1985, is inequitable, penalizing the farmer whose only hauling activity is taking his produce to market.

Farmers are currently staggering under the burden of years of inflation, lagging exports, and persistently high interest rates. Farm debt is at an all-time high and bankruptcies are too common. This bill will make the lot of the farmer who trucks his own produce to market in either single or light combination trucks far less burdensome.

Under the provisions of my bill, farmers will be able to travel an additional 5,000 miles annually on public roads without having to pay the increased tax which will be imposed starting in July 1985. That increase could go as high as \$1,600 in 1985, and up to \$1,900 by 1988. That is a lot of money to spend simply to get your crops to market.

Many farm trucks are already exempt from paying the use tax because they fall under the 5,000-mile exclusion clause in existing law. However, in certain parts of the country—California, the Midwest and the coastal parts of the East—farmers frequently have to travel in excess of the permitted 5,000 miles to get their harvest to market. This situation has been aggravated by rail abandonments and grain elevator bankruptcies. The Department of Transportation estimates that about 35,000 vehicles would benefit from increasing the exemption to 10,000 miles annually.

Revenue loss in fiscal year 1985 is estimated by the Federal Highway Administration to be about \$11 million annually; or 1 percent of the total annual estimated heavy vehicle use tax. This tax is expected to yield \$953 million in fiscal year 1985, \$1.027 billion in fiscal year 1986, and \$1.172 billion in fiscal year 1987.

Mr. President, this much-needed legislation has been endorsed by the American Farm Bureau Federation and the Virginia Farm Bureau. I urge my colleagues to carefully consider the merits of the bill. It would be a great help to our beleaguered farmers.

I ask unanimous consent that the text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1596

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 4483 of the Internal Revenue Code of 1954 (relating to exemptions from highway use tax) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:*

*"(5) 10,000 mile exemption for farm vehicles used for certain farm purposes.—*

*"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a farm vehicle, paragraphs (1) and (2) shall be applied by substituting '10,000' for '5,000' each place it appears.*

*"(B) NO MORE THAN 5,000 MILES FOR NON-QUALIFIED FARM USE.—Subparagraph (A) shall not apply to any farm vehicle if such vehicle is used (or may reasonably be expected to be used) for more than 5,000 miles during such taxable period for purposes other than a qualified farm purpose.*

*"(C) QUALIFIED FARM PURPOSE.—For purposes of this paragraph, a farm vehicle is used for a qualified farm purpose if it is used in public highways to transport property—*

*"(i) substantially all of which is any farm commodity in its unmanufactured state, and*

*"(ii) at least one-half of which is any farm commodity produced by the owner of such vehicle.*

*"(D) DEFINITIONS.—For purposes of this paragraph—*

*"(i) FARM VEHICLE.—The term 'farm vehicle' means any highway motor vehicle the owner of which is the owner, tenant, or operator of a farm (within the meaning of section 6420(c)(2)).*

*"(ii) FARM COMMODITY.—*

*"(I) IN GENERAL.—The term 'farm commodity' means any agricultural or horticultural commodity, livestock, bees, poultry, fur-bearing animals, and wildlife.*

*"(II) SPECIAL RULE FOR TREES.—Trees shall be treated as a farm commodity only if the production thereof is incidental to the farming operations of the owner, tenant, or operator of the farm."*

*(b) The amendments made by subsection (a) shall take effect as if included in the amendments made by section 513 of the Highway Revenue Act of 1982.*

By Mr. STAFFORD:

S. 1597. A bill to amend the Elementary and Secondary Education Act of 1965 to provide comprehensive elementary school guidance and counseling programs for elementary students through States and local educational agencies; to the Committee on Labor and Human Resources.

#### ELEMENTARY SCHOOL GUIDANCE AND COUNSELING INCENTIVE ACT

● Mr. STAFFORD. Mr. President, the recent release of numerous analyses of the state of American education gives us all pause. While these studies may differ on various minor points, their major conclusions are remarkably similar: Our educational system needs a sustained overhaul.

Several recommendations have been made to begin this process of renewal in our school systems, and, I want to focus on just one key element to an

improved educational environment: Guidance and counseling.

Today, I am introducing the Elementary School Guidance and Counseling Incentive Act. As the preamble of this legislation underscores, the elementary school of today is no longer protected and isolated from society's problems and concerns, but it has become a setting where the early symptoms of these problems are displayed.

Mr. President, a child's education involves many individuals. The teacher is the most obvious influence on a student's in-school day, but other participants in the education system—parents, administrators, school board members, to name a few—play a definite role.

Let us not forget that individuals trained in guidance and counseling are indisputable parts of a child's educational universe as well, and this legislation promotes the improvement of guidance and counseling services in our elementary schools, where such services indeed can have a positive and long-lasting impact on a young person's life.

The beloved poet, Robert Frost, who adopted my State of Vermont, often wrote about the choices an individual makes throughout life. In one poem, using a trip along a road as a metaphor for life's journey, he wrote:

Two roads diverged in a wood  
And I—I took the less traveled by  
And that's made all the difference.

When American elementary students standing at some fork in the road could benefit from effective guidance and counseling to help them with their choice, I hope it will be available. That is the purpose of this legislation.●

#### ADDITIONAL COSPONSORS

S. 44

At the request of Mr. KASTEN, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 74

At the request of Mr. MELCHER, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Mississippi (Mr. STENNIS), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 314

At the request of Mr. GOLDWATER, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 314, a bill to encourage inflight emergency care aboard aircraft by requiring the placement of emergency equipment, sup-

plies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment, supplies, and drugs.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 591

At the request of Mr. INOUE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate \$1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee.

S. 1144

At the request of Mr. HEINZ, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1146

At the request of Mr. BENTSEN, the names of the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1278

At the request of Mr. MELCHER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1278, a bill to provide for an accelerated program of research, development, and demonstration with respect to the production of electricity from magnetohydrodynamics, leading to the construction and operation of at least one major proof of concept demonstration project in connection with an existing electric powerplant, and for other purposes.

S. 1348

At the request of Mr. MOYNIHAN, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 1348, a bill to authorize the President of the United States

to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1469

At the request of Mr. SPECTER, the names of the Senator from North Dakota (Mr. BURDICK), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1469, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 1475

At the request of Mr. WALLOP, the names of the Senator from Wyoming (Mr. SIMPSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1550

At the request of Mr. CHAFEE, the name of the Senator from Idaho (Mr. McCURE) was added as a cosponsor of S. 1550, a bill to amend the Internal Revenue Code of 1954 to relieve international double taxation of overseas construction projects of U.S. contractors.

#### SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

#### SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from North Carolina (Mr. EAST), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

#### SENATE JOINT RESOLUTION 93

At the request of Mr. EAST, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

#### SENATE JOINT RESOLUTION 98

At the request of Mr. TOWER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 98, a joint resolution to designate October 2 through October 9, 1983, as "National Housing Week."

#### SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the names of the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint



Resolution 106, a joint resolution designating August 3, 1983, as "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. PERCY, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 111, a joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Wisconsin (Mr. PROXMIER) were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Indiana (Mr. QUAYLE), was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. MATTINGLY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION 51—RELATING TO HANDICAPPED PARKING

Mr. JEPSEN submitted the following concurrent resolution, which was referred to the Committee on Governmental Affairs:

S. CON. RES. 51

Whereas all fifty States and the District of Columbia recognize the special needs of disabled individuals and have established disabled or handicapped parking spaces for the convenience of such individuals;

Whereas many disabled individuals who drive automobiles are given parking citations for parking in spaces designated for the disabled because the police do not recognize disability identification on out-of-State vehicles;

Whereas the special needs of the handicapped and disabled should be universally recognized and not subject to the vagaries of individual State laws with respect to special parking privileges;

Whereas the Congress and the Administration have historically supported programs and policies which recognize the special needs of the handicapped and the disabled;

Whereas the establishment of a coordinated vehicle identification system for handicapped and disabled drivers could facilitate interstate travel by assuring disabled individuals accessible parking while on vacations or business trips; and

Whereas confusion could be reduced and time and effort of police and courts saved by having a coordinated vehicle identification system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the States, working through the National Governors' Association should, as soon as possible, establish a cooperative program under which the legitimate parking privileges of the disabled and handicapped in each State are accorded to disabled and handicapped individuals displaying legitimate parking stickers of other States.

SEC. 2. As used in this resolution the term "State" means the several States and the District of Columbia.

SEC. 3. The Secretary of the Senate is directed to transmit a copy of this resolution to the Governors of all fifty States, and the Mayor of the District of Columbia.

● Mr. JEPSEN. Mr. President, today I am submitting a resolution that 2 months ago I would have thought unnecessary. But recently, a situation has been brought to my attention which I think most of my colleagues will agree necessitates correction.

As most of my colleagues are aware, many States provide special parking privileges for handicapped and disabled persons. In general, these special privileges include reserved parking spaces for persons displaying some type of "handicapped" parking sticker. As anyone who has traveled in different States can attest to, the type of sticker used or the location of the sticker varies from State to State.

In Iowa, for instance, there is a portable placard that can be displayed by hanging it from the rear view mirror. Other States have permanent license plates that designate the vehicle as being eligible for the special parking privileges. As a result of a very unfortunate incident involving a constituent of mine, it has come to my attention that many States do not recognize the valid handicapped parking permits issued by other States.

In the particular instance I am aware of, the handicapped person was traveling in a New England State and was displaying the Iowa handicapped parking permit. While shopping at a mall, the individual took advantage of

the special spaces provided for the handicapped. Unfortunately, upon returning to her car, this person found a parking ticket for illegally parking in a space reserved for cars displaying a handicapped sticker. My constituent found the police officer and pointed out her Iowa sticker but was still required to pay the fine.

The amount of the fine was not excessive, Mr. President, but it is a fine that never should have been levied. The individual is clearly handicapped and was displaying the valid Iowa handicapped parking sticker.

In talking with individuals at the Congressional Research Service and the Disabled American Veterans, I have found that the incident described is all too common. It seems to me that this is a situation which can be rectified if there was a better system of cooperation among the States.

I am therefore taking this opportunity to introduce a sense of Congress resolution calling upon the States, through the National Governors' Association, to come up with some type of cooperative approach to resolving this problem. I have spoken to the Governor of Iowa and he has agreed to bring up the subject at the next National Governors' Association meeting. I am hopeful that we can get the problem resolved in the near future.

Now some have suggested, Mr. President, that perhaps we should come up with some type of uniform symbol that all the States can use. It seems, however, that there are a number of problems with this type of approach, least of which is administrative.

Many handicapped persons, I have learned, do not like the idea of a permanent symbol such as a license plate. Others believe this type of approach is necessary in order to prevent fraudulent distribution of the symbol. Both sides have strong and valid arguments as to why their approach is the right approach.

Quite frankly, I do not have any opinion as to which approach is the correct approach. Furthermore, I do not think this is the type of matter that should be dictated by the Federal Government. That is why I have chosen to introduce a concurrent resolution instead of statutory language.

I believe, Mr. President, that it is important for Congress to use its powers of persuasion before resorting to its powers of legislation. I would point out, however, that should the situation still prove to be a problem next year, I am prepared to take more drastic steps. In particular, I note that some have suggested that a State's Federal transportation funds be restricted unless the State agreed to some type of reciprocity. I think that approach is unnecessary right now, but support for such a measure could

grow the longer the problem goes unresolved.

In closing, Mr. President, I want to put my colleagues on notice that I intend to offer my resolution in the form of an amendment when the Senate turns to consideration of the transportation appropriations bill later this session. I do not believe this is a matter that can wait and we must act as soon as possible.

I look forward to the day when handicapped and disabled individuals can travel from State to State without fear of inadvertently violating another State's special handicapped parking privileges. ●

## NOTICES OF HEARINGS

### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding the following hearings:

On July 19, 1983, at 10 a.m., in room SD-608, a hearing on S. 1499, to settle certain claims of the Mashantucket Pequot Indians; and, S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe. Those wishing additional information should contact Paul Alexander of the committee at 224-2251.

On July 21, 1983, at 10 a.m., in room SD-608, an oversight hearing on the branch of Federal acknowledgment within the Bureau of Indian Affairs. Those wishing additional information should contact Marilyn Heller of the committee at 224-2251.

On July 26, 1983, at 10 a.m., in room SD-608, a hearing on S. 1151, to compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime; and, House Joint Resolution 158, to make technical corrections in the act of January 12, 1983 (Public Law 97-459). The hearing will be followed by a business meeting on S. 1499, S. 1196, S. 1151, and House Joint Resolution 158. Those wishing additional information should contact Paul Alexander or Pete Taylor of the committee at 224-2251.

On July 28, 1983, at 10 a.m., in room SR-485, an oversight hearing on issues of Indian health. Those wishing additional information should contact Patricia Zell of the committee at 224-2251.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of William Perry Pendley,

of Wyoming, to be an Assistant Secretary of the Interior for Energy and Minerals. The hearing will be held on Tuesday, July 12, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

In addition, I would like to announce that the full committee hearing regarding the geopolitics of strategic and critical minerals scheduled for Friday, July 22, will begin at 2 p.m. instead of 10 a.m.; and the full committee hearing on S. 1132 scheduled for Monday, July 25, will begin at 2 p.m. instead of 10 a.m.

### SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing scheduled before the Subcommittee on Public Lands and Reserved Water regarding acquisition of land, and acquisition and termination of grazing permits or licenses, will begin at 2 p.m. on Tuesday, July 26, instead of 10 a.m. as previously scheduled.

### SUBCOMMITTEE ON CONSUMER AFFAIRS

Mrs. HAWKINS. Mr. President, I would like to announce that the Senate Banking Committee's Subcommittee on Consumer Affairs hearing on S. 1152, a bill to amend the Consumer Credit Protection Act with respect to consumer leases and rental-purchase agreements scheduled for July 13, 1983, has been postponed until July 19, 1983. The hearing will be held at 9:30 a.m. in room SD-538 of the Dirksen Senate Office Building.

For further information, please contact Linda C. Zemke at 224-1566.

## ADDITIONAL STATEMENTS

### BUDGET STATUS REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1983 pursuant to section 311 of the Congressional Budget Act.

Since my last report the Congress has completed action on House Concurrent Resolution 91, the first budget resolution for fiscal year 1984. This status report reflects the revised revenue and spending totals for fiscal year 1983 that are contained in House Concurrent Resolution 91 and presents the current budget levels for fiscal year 1983 on a basis that is consistent with the economic and technical as-

sumptions of House Concurrent Resolution 91.

The report follows:

REPORT No. 83-6

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 91, REFLECTING COMPLETED ACTION AS OF JUNE 30, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Revised 2d budget resolution level	877,200	807,400	604,300
Current level	865,128	805,560	604,400
Amount remaining	12,072	1,840	100

### BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds \$12,072 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

### OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding \$1,840 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

### REVENUES

Any measure that would result in revenue loss exceeding \$100 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91. ●

### CAPITAL PUNISHMENT

● Mr. LEVIN. Mr. President, I wish to have printed in the RECORD two insightful articles regarding the effort currently underway in Great Britain to reinstitute capital punishment, which has been outlawed in that country since 1964. "The Case Against the Rope," which appeared in a British weekly, the Economist, was reprinted Monday, July 11, 1983, in the Washington Post. The editorial, "The Death Penalty as a Final Escape," appeared in the Detroit News on July 10, 1983. I hope my colleagues will have an opportunity to read both of these articles, which provide compelling arguments against reinstituting the death penalty.

The articles follow:

[From the Washington Post, July 11, 1983]

#### THE CASE AGAINST THE ROPE

(Britain's Parliament will soon consider the reinstitution of capital punishment. This contribution to the debate is reprinted, with permission, from the British weekly, The Economist.)

The last time a British government paid an official to break a criminal's neck with a rope was in 1964. The last state-sanctioned killing of a non-military offender in a civil-



ized European nation was in France in 1977. They cut the head off of a North African immigrant with a weighted blade on vertical runners—and a lot of respectable Frenchmen now think they guillotined the wrong man.

It had finally seemed in the past decade that instruments of execution had been swept off the Western European continent and its islands . . .

But there are still those who want to bring official violence back, hankering not so much for justice as for revenge against the enemies of society, or for better protection for those (like policemen) who stand in the front line of its defense. Most people in Britain, if asked the abstract question, say they would like certain classes of criminal killed in their name—although when individual hard cases arise they tend to be more forgiving. Something like half of the new, Tory-dominated House of Commons inclines to that popular view.

On a vote free of party pressure, Parliament will soon be asked whether it wants Britain to start executing people again. If the answer is yes, there would then have to be a grisly debate both about the offenses to be scheduled as meet for capital punishment, and about the appropriate technology for state-sponsored killing.

It is strange that it should be mainly Conservatives who wish to put this ultimate power in the hands of the state, whose authority in other ways they rightly wish to limit. What the pro-hangers hanker for, evidently is a simple solution to complex problems. They think execution is a unique deterrent, that because it is swift and sure it closes the endless arguments about crime and punishment, right and wrong, and signifies society's absolute abhorrence of certain sorts of offense. In practice, it does exactly the opposite.

The three main white-ruled countries that still execute people are Russia, South Africa and America. Presumably, British executioners would wish to be compared only with the last. In about three-quarters of the United States, hanging, shooting, electrocuting or poisoning are now on offer. Whether the prevalence of murder and violence there persists because of, or in spite of, this institutional contempt for human life is a question for Americans. But clearly the execution even of duly convicted American killers is far from being swift, sure and condign. So grave is the penalty that the legislators and the courts struggle to make it socially acceptable by finding distinctions between capital and non-capital offenses.

The resulting appeals against sentence last for years. Lawyers' ingenuity prevails over retributive justice—exactly what a simple and final punishment is meant to avoid. Any categories of crime subjected to capital punishment in Britain would have to be equally subtly defined. . . .

The principal effect of hanging about a dozen of Britain's 600 or so murderers a year would be to fasten enormous publicity on any trial which might qualify among those dozen. Before 1964 occasional executions were very good for sales of the popular Sunday newspapers; and, in general, whatever is lurid in the British popular Sunday newspapers is bad for the British people. With the advent of television, the danger of publicity leading to imitation becomes greater. As a child murderer is executed, details of how he tortured his victims to death are revealed to the telemass; deviants are excited thereby. "Bloggs, who is being hanged behind these walls," says the telere-

porter at the early morning wake, "was caught by the following million-to-one chance"; there are plenty of people who would like to murder somebody else when ceaselessly told of how to do it with only a million-to-one chance of being discovered.

When death was the sole penalty for all willful murder, capital punishment did at least have the attraction of straightforwardness. You killed, you were killed, and the account was square according to Deuteronomy. But nobody seriously supports that biblical objective any more.

Most murders in Britain are domestic or neighborly affairs, the terrible consequence of desperation (usually drunken, often sexual). Practically all pro-hangers now found their case, with an effort at rationality, on the degree of horror that particular offenses excite, or on the intention to deter specific categories of crime.

Which should be the categories? The murder of children—usually committed by distraught women or by sexual inadequates? These last generally confess quickly today when they can expect the medical treatment they know they need; if they feared the rope they might spin their defenses out, and disturbed people in the tele-audience would dangerously suck in their dreadful excitements. Murder by firearms—but not by poison, or with knives or car-jacks? Murder of policemen—but not of security guards or firemen on duty, or boy scouts looking after old ladies?

One category of crime that needs deterring is the use of firearms for robbery. It has increased in Britain, although not so much as is commonly supposed; but the rise in armed robbery is much smaller than the rise in undetected robbery. A greater risk of being caught and imprisoned would deter the gunmen. To propose execution, by contrast, would give criminals every incentive to make sure they have eliminated all potential witnesses.

The case for hanging terrorist murderers is even weaker, a rare ground for doubting the good sense of the new home secretary, Leon Brittan, is that in 1979 he voted against all judicial killing except in its most indefensible form, against terrorists. To accept that a criminal acted for "political" ends, and therefore to raise him into a more awful category, is to concede and glorify his case. The truly anti-terrorist penal system is one that treats all crime as crime, without exception. Killing rebels—remember the story of the Dublin Easter uprising of 1916—can hand them victory. It is absurd to advocate capital punishment of Irish terrorists when 10 of their members, only two years ago, were carefully inflicting capital punishment on themselves by hunger strike, because they thought they served their cause better dead than alive.

Most terrorists in Ulster possess Irish as well as British citizenship. The British government could not deny them an appeal against the death sentence to the European court of human rights, nor could the Irish government. . . . The political cost would infinitely outweigh the human satisfaction of revenge for their hateful acts. As an execution neared, there might be hostage-taking and the horrors of simultaneous revenge "execution" by the IRA. Today some terrorists are caught because the police are told where they are by other Irishmen, sometimes by their relatives; with any danger of hanging, that would stop.

Hanging, even only for rare and vicious crime, would upset the entire system of criminal justice, and put increased strain on

the judges. From 1957 to 1965 Britain tried to operate a law that differentiated between capital and other murders. It was capital to kill while stealing or resisting lawful arrest; to kill a policeman or anybody helping a policeman; or, if a prisoner, to kill a prison officer on duty. . . .

The distinctions were intricate. The facts of the cases were heard before juries. But the fine legal points had to be disentangled by the bench. It thus fell upon the judge to rule without the assistance of a jury whether a man was on trial for his life or not. The judges hated the task, since it is their sound inclination to punish the criminal, not the crime. Nobody should want to reimpose that dreadful burden on the judges.

Some judges—some of the best—would decline this butchers' work. Many barristers would refuse on grounds of conscience to take part in capital cases. Others would prosecute less than wholeheartedly, and defend very emotionally. Juries proved less willing to convict just before 1964, when execution could follow their verdict. Prison governors would be reluctant to officiate in overcrowded jails whose latent atmosphere of violence and sexual frustration is knotted up by the grisly presence of the gallows.

The Conservative waverers, many of them newly elected, now probably hold the parliamentary balance. They are under pressure from their local pro-hanging party activists (who no more reflect public opinion than do the correspondingly militant Labor activists on other issues). . . .

Those tempted to vote yes to hanging must decide whether the duty they would lay on others is one that they would themselves discharge. Would they, if asked by the state, pull that lever and break that villain's neck? If not, they must vote no and lay the subject to rest for the life of this Parliament. Every year that passes makes a return to the old barbarity more remote, more unthinkable for a civilized nation, and less useful for a society that wishes to deter crime.

[From the Detroit News, July 10, 1983]

#### THE DEATH PENALTY AS A FINAL ESCAPE

(By Edwin A. Roberts, Jr.)

The Economist, a British news magazine whose thoroughness and respect for the written word puts its American counterparts on the children's shelf, published an editorial in its July 2-8 issue condemning the movement in the United Kingdom to bring back the hangman's rope.

The editorial notes: "The three main white-ruled countries that still execute people are Russia, South Africa, and America. Presumably, British executioners would wish to be compared only with the last. In about three-quarters of the United States, hanging, shooting, electrocuting, or poisoning are now on offer. Whether the prevalence of murder and violence there persists because of, or in spite of, this institutional contempt for human life is a question for Americans. But clearly the execution even of duly convicted American killers is far from being swift, sure, and condign. So grave is the penalty that the legislators and the courts struggle to make it socially acceptable by finicky distinctions between capital and noncapital offenses."

The Economist then goes on to make the familiar antiexecution arguments, disputing Old Testament support for capital punishment, insisting that the practice doesn't deter murderers, and winding up by asking whether pro-hanging politicians would, if

asked by the state, "pull that lever and break that villain's neck? If not, they must vote no and lay the subject to rest for the life of this parliament."

The only problem with the magazine's argument is that it is one to which many prosecution people in that country, and in this one, are invincibly immune.

Such people are chiefly interested in retribution—i.e., refined revenge. The feeling is easy to understand. There are murderers whose monstrous crimes scream not just for death but for an extended sojourn on the rack. Nevertheless, how a society manages its emotions is a measure of its intelligence, maturity, and morality. Does an intelligent, mature, and moral society execute felons for civil crimes? To my mind, no.

What, then, is the best way to dissuade capital punishment advocates?

We must play to their emotional need. We must remind them that even as death can be called a blessing to a long-suffering hospital patient, so can it be defined as an escape for the murderer. When a killer is executed, he is set free. No longer does he face the possibility of a hopeless, almost unimaginably miserable life behind bars. Arguably perhaps, but still probably, a short period of terror and an instantaneous death are easier to bear than 30 or 40 years in a maximum-security prison, there to be denied everything that makes life endurable. Especially hope and freedom.

It follows, of course, that murderers who under present law in most states rate the death penalty should be forever denied parole and kept in the closest confinement. That would satisfy the demands of justice while sparing society the grisly business of killing even a hideously evil person in cold blood.

Since the beginning, Michigan has disdained capital punishment. Since 1964, Britain has too. That profound reverence for life reveals the kind of character civilized men can only honor. ●

#### U.N. CONTRIBUTIONS

● Mr. D'AMATO. Mr. President, I rise today to join the distinguished senior Senator from my home State of New York in cosponsorship of Senate Concurrent Resolution 50. This resolution urges the administration to withhold from the 1983 American contribution to the United Nations the proportionate U.S. share of funds that are spent on an "International Conference on the Fascist-Racist Alliance between South Africa and Israel," a meeting being held this week in Vienna.

The scheduled conference is but another of the blatantly one-sided attacks on Israel, and Jews worldwide, begun by elements of the United Nations more than 20 years ago. Increasingly, the rhetoric of Third World and Soviet allied countries has been vitriolic in its criticisms of Israel, while they continue to actively endorse the politics and the policies of the terrorist PLO.

In the past year alone, U.N. elements have viciously targeted Israel in a variety of arenas: the U.N. Educational, Cultural and Scientific Organizations passed one resolution which equates Zionism with colonialism and

racial discrimination, and another resolution which calls for the rewriting of Biblical history to eliminate the role of the Jews; the International Atomic Energy Agency rejected Israel's credentials; an effort was made in the International Telecommunications Union to expel Israel; and Iran attempted to challenge Israel's credentials in the U.N. General Assembly.

These types of malicious and malevolent actions, funded in part through U.S. contributions to the United Nations, are reaching a pinnacle of deceit this week with the scheduling of a conference to examine Israel as a so-called "fascist-racist" state. And through all these efforts, the acclaimed heroes are the members of the most frightening terrorist groups in today's world: the PLO.

It is painfully obvious that the purposes of the conference are twofold: first, to defame our strong ally in the Middle East, the State of Israel, through irrational slander; and second, to glorify the PLO through propaganda and falsification. The first objective is clearly not within our own national interest, nor does it further world peace. The second, as noted by my colleague from New York, cannot legally be funded by U.S. contributions to the United Nations. This body recognized some years ago that it was totally inappropriate for the United States to finance activities which provide "political benefits to the Palestine Liberation Organization," and U.S. laws restrict our contributions to the U.N. accordingly. This resolution strengthens our position in this regard so that neither our financial nor moral support is provided to enhance a premeditated propaganda display designed to glorify terrorists at the expense of a strong ally.

Mr. President, I urge that immediate action be taken to bring this resolution to the Senate floor. We must pass it with resounding support. We can, in this way, show our concern for truth and honesty in the international arena, and our firm conviction that terrorist organizations should not be exalted as heroes. ●

#### ARMS CONTROL IMPLEMENTATION FORCE STUDY

● Mr. DOLE. Mr. President, shortly before we adjourned for the Fourth of July recess, I had the opportunity to present my proposal on arms control, Senate Concurrent Resolution 46, to the Foreign Relations Committee. During that testimony, I indicated that the Congressional Research Service was preparing, under my general policy guidance, a force study that was illustrative of my approach. That study has now been completed, and I ask that it be printed in the RECORD, together with my letter of transmittal to Senator PERCY.

The Senator from Kansas believes, Mr. President, that we must all seriously address the awesome issue of the control of nuclear weapons. We must control those weapons, their numbers, and certainly their proliferation. Otherwise, we will run the clear risk that instead of furnishing a shield for our protection, that nuclear weapons will themselves become the problem.

That is why I have joined many of our colleagues in analyzing the nuclear arms control issue. I will have more to say on various aspects of this proposal and its component elements in the weeks and months to come. But for now, Mr. President, I want to make available for the consideration of all Senators and their staffs the attached practical illustration of my "triad" proposal.

I am not wedded to every detail of this illustration of the proposal, Mr. President, and I recognize that there could well be other ways of addressing the problem in an overall way, consonant with the general thrust and meaning of Senate Concurrent Resolution 46. But the Senator from Kansas believes that this is a useful contribution to the debate, that more such contributions are useful and indeed desirable, and that together, we can fashion an arms control package that is realistic, fully consonant with the requirements of our national defense and the general views of the Scowcroft Commission, and that advances the cause of peace and nonproliferation of nuclear weapons.

Mr. President, it is in that spirit that the Senator from Kansas brings this force study to the general attention of the Senate. I welcome comments and contributions on the proposal from both sides of the aisle.

The material follows:

U.S. SENATE,

Washington, D.C., June 24, 1983.

HON. CHARLES PERCY,  
Chairman, Senate Foreign Relations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: During my arms control testimony before the Foreign Relations Committee last Tuesday, June 21, I referred to a Congressional Research Study that would set forth one illustration of my approach to overall nuclear arms negotiations at the strategic and intermediate ranges. That study has now been completed according to my general guidelines, and is attached.

The study, I believe, illustrates a number of the serious questions which arms negotiators must begin to address, particularly in the new negotiation area of intermediate range weapons. As I replied to Senator Kassebaum during the hearings on Tuesday, for example, the smaller missiles which may be developed under the Midgetman concept will also introduce special issues of verification. Similarly, dual purpose aircraft, such as F-16s, would require some modification to see whether any nuclear role could become observable on a functional basis.



Similarly, the highly dangerous submarine-launched cruise missiles deserve special study, and if possible, specially negotiated sublimitations. Further, the problem of any inclusion of French and British forces becomes illustrated clearly if we see what that would do to allowable weapons allocations on both sides. The problem, as Dr. Eugene Rostow testified on Wednesday, is however a political one primarily, and I would not favor the inclusion of these weapons in the negotiations. Nevertheless, for the sake of force comparison, I did ask for the study to set forth one scenario of inclusion.

As I mentioned on Tuesday afternoon, the Foreign Relations Committee is to be commended for its attention to this critical area. I am glad to add this further contribution to the debate and ask that this letter and enclosed study be included in the full record of your hearings.

Sincerely yours,

BOB DOLE.

**A COMPREHENSIVE ARMS CONTROL PROPOSAL  
PREPARED ACCORDING TO THE INSTRUCTIONS  
OF THE HONORABLE ROBERT DOLE**

**ARMS CONTROL PROPOSAL: CONCEPTUAL  
FRAMEWORK**

My recent comments on the floor of the Senate, together with the ideas expressed by myself and several of my colleagues in Senate Concurrent Resolution 46, suggest a number of basic principles related to the U.S. position on nuclear arms control. These principles, while not inconsistent with the proposals made by the President and many of my colleagues in the Congress, I believe form a basis for a conceptual framework for American arms control policy which combines and extends these proposals in a way that better promotes and protects our security.

My purpose in this discussion is to begin to go beyond these principles with some more specific ideas which could form a conceptual framework for future U.S. arms control negotiating positions. On the one hand, I believe such specific suggestions are essential if our policies are going to move in sensible directions. At the same time, I fully recognize the complexity and inherent difficulty of the problem we are trying to tackle. Therefore, I offer these suggestions not as sure fire prescriptions for success. Rather they are directed at channeling the public debate toward the tough problems which we in the United States need collectively to solve if our approach to arms control is to contribute measurably to our security.

In my remarks which follow, I will lay out the basic principles mentioned earlier together with some specific ways that they could be included in our arms control positions.

**Balanced force structure**

Traditionally the U.S. has relied on a balanced force structure based on a triad of manned bombers, submarine-based missiles and land-based missiles. This structure has effectively preserved deterrence. Any arms control approach we pursue should not preclude continuing with this balanced approach. At the same time, our experience should tell us that military power is a complex function of all three legs of the triad, and that any arms control agreement that will effectively check and reduce the military power of our adversaries must take this into account.

Relating this to the President's current proposal, it's worth noting that only two thirds of the triad—submarine and land-

based missiles—are included. In the short terms, this might seem to be a shrewd negotiating strategy since the U.S. has a big advantage in bombers—the triad leg left out. Putting aside whether the Soviets would ever agree to such an approach, it is important to consider the consequences for American security of leaving Soviet bomber forces totally unchecked. We know from intelligence sources that the Soviets are aggressively pursuing development of a new bomber—the Blackjack, which appears to be designed along the lines of our B-1. We also know that the Soviets have considerable experience in developing cruise missiles that can be launched from aircraft—giving the potential for an even more lethal dimension to their bomber force. Finally, independent of whether one believes the Soviets violate arms control agreements, there is a widespread consensus that the Soviets will exploit loopholes in agreements to their best advantage.

With the stage set as it is, I believe we are not in a position where we can afford to allow the bomber forces to go unaccounted for in our arms control policy. Such a gaping void may skew the Soviet's force structure way out of kilter to the detriment of our security especially given the absence of U.S. continental air defenses. At the same time, reasonable, balanced limits which affect bombers on both sides can be designed in ways that accommodate necessary modernization of American forces while cutting back on the overall size of strategic nuclear arsenals.

**Attention to destabilizing weapons**

A major accomplishment of the Scowcroft Commission and the subsequent position adopted by the President is recognition that our arms control positions can and should pay particular attention to certain weapons that might unnecessarily lead to making nuclear warfare more likely. The President's proposal certainly heads in the right direction. It may be possible to take it further in certain areas.

One area concerns land-based ICBMs. An important lesson from the Scowcroft Commission is that for a given number of ICBM warheads on both sides, more ICBM launchers will improve stability in a crisis since it will be more difficult to disarm an opponent's ICBM force with a preemptive attack. Despite this lesson, press reports indicate that the U.S. negotiating position still includes a limit of 1200 ICBM launchers. While this 1200 limit is better than the earlier 850 proposal, there may be some circumstance where even 1200 launchers are too few to ensure stability. Since the limits on ICBM warheads already contained in the President's proposal are sufficient to limit effectively military capabilities from ICBMs, it would seem that limiting ICBM launchers would be at least superfluous, and as mentioned, actually contrary to improving stability in some circumstances.

Another area of substantial potential instability not dealt with in the President's proposal involves sea launched cruise missiles. While nuclear armed sea launched cruise missiles have been deployed in the past by both the U.S. and U.S.S.R., they have been relatively few in number and crude by performance standards. A new generation of sea launched cruise missiles promises a substantial jump in performance. Further, our plans to deploy hundreds of these systems, and apparent Soviet plans to invest in this type weapon in a big way (exemplified by their apparent plans to outfit their new Oscar submarine as a cruise mis-

sile carrier) seem to foretell a major jump in U.S./Soviet nuclear competition. From a standpoint of stability, such a circumstance will signal yet another turn in the arms race spiral and in a crisis, could tempt the Soviets to use these systems for essentially no warning attacks against the vast, undefended target complexes on American coasts and the shores of our allies. Because of this situation, I believe U.S. arms control policy should pay special attention substantially limiting this class of weapons which threatens to inject instability into the U.S./U.S.S.R. nuclear relationship.

A third area where I believe more effort is needed to check destabilizing nuclear weapons involves intermediate range nuclear aircraft. (These are aircraft which have range not sufficient to attack the U.S. from the U.S.S.R. and vice versa, but do have range to attack Western Europe from the Soviet Union and vice versa.) To begin with, these aircraft are not included in any of the President's proposals for arms control. Yet they constitute a significant threat in the first instance to our friends and allies in Europe, Asia and elsewhere. In the case of at least one aircraft sometimes put in this category—the Backfire—there are many who argue that it constitutes a threat to the United States itself. In addition to posing threats to our interests, these aircraft are also destabilizing in a crisis or conventional conflict. They are typically based in the theater of potential (or actual) conflict in very vulnerable postures at bases of fixed, known locations. As such, they provide easy targets which invite preemptive nuclear attack—a situation clearly to be avoided in the interests of maintaining stability. Thus, because of the destabilizing character of these weapons, I believe they deserve explicit treatment in our arms control positions.

**Comprehensive coverage**

As the preceding discussion indicates, while the President's proposals treat a range of nuclear weapons systems, they are by no means comprehensive. They leave out a number of weapons which are—or at least should be—of concern to ourselves and to the Soviets. Some of the weapons left out are particularly destabilizing, both in fueling an arms race and in making a nuclear conflict more likely in times of heightened international tension. In the interests of preserving our security and pursuing a permanent peace, our arms control positions need to be expanded to take on coverage of these additional weapons.

**Realistic negotiating approach**

To be realistic, our negotiating proposals must first recognize our legitimate security concerns. For example, some freeze proposals would effectively perpetuate Soviet advantages gained by their massive buildup in ICBM forces—advantages which have left our ICBMs potentially vulnerable to a preemptive attack. Such freeze proposals, however well intended, realistically do not help our security—in fact they hurt it.

Another element of realism for our negotiating approach is to seek approaches that offer something to both sides so that there will be some chance that both parties will come to an agreement. It takes little skill to develop proposals which are clearly in the American interest but clearly unacceptable under any circumstances to our adversaries. My objective in outlining these proposals here is to develop a negotiating framework which is realistic first and foremost in protecting U.S. security interests, but also one

which I think the Soviets should find in their best interest as well.

#### Verification

An absolute necessity for any arms control agreement to safeguard American security is that it be adequately verifiable—that any cheating on the part of our adversaries that would significantly affect the balance of military power be detected in time for the U.S. to take effective corrective action. There are some proposals actively supported today which unfortunately do not meet this test—for example freezes on the production of nuclear warheads seem beyond any practical means of verification currently available. There are others where the question of verification is at best unclear—for example limiting the number of mobile IRBMs or counting dual-capable aircraft. The arms control proposals offered here recognize these difficulties, and their enactment would be dependent on agreed adequate verification measures.

Unfortunately an informed public debate on verification is difficult to stage. Traditionally the intelligence community carefully guards the details of how good our intelligence resources are in gathering information on Soviet weapons. In order for Americans—in the Congress and in the public—to make intelligent choices, I call upon the Administration to make available to the greatest extent possible information on our capabilities and limitations for determining whether the Soviets will be living up to their part of any agreements that we may negotiate with them.

#### Mutual freeze at lower levels

The spirit of a freeze—calling a halt to an arms race—is an important one to capture in any arms control agreement. Freezes which perpetuate armament levels which are already too high, freezes which sanction a state of nuclear instability, and freezes which confer to our enemy advantage that we are precluded from redressing cannot on balance be worth our while. What is worth our while is a freeze which gives deep cuts in the nuclear arsenals for both sides, which deals directly and comprehensively with the most destabilizing weapons on both sides and which confers the rights to equal military power on both sides. This is the type of freeze which I propose.

In terms of specific ceilings and limitations, I believe a proposal along the following lines would capture these principles:

#### Phase I: START

The basic premise of the Phase I strategic reductions would be to follow the lead offered in President Reagan's START proposal by limiting the warheads (or reentry vehicles—RVs) on ballistic missiles on both sides. However, it may be necessary to move beyond the START proposal in two significant ways:

(1) by adding bombers and cruise missiles as part of an overall larger aggregate strategic ceiling;

(2) not setting specific limits for ballistic missile launchers, which may not be necessary with firm RV constraints. Indeed, force structure changes made by the United States along the lines recommended by the Scowcroft Commission could very well lead the Soviet Union to alter its force structure as US ICBMs de-MIRV.

The outline of the revised START proposal in Phase I would be:

(a) an aggregate ceiling of 6500 strategic RVs, nuclear bombs, and cruise missiles  
(b) a sub-ceiling of no more than 5000 RVs on ballistic missiles (ICBMs and SLBMs)

(c) a sub-ceiling of no more than 2500 RVs on ICBMs within the 5000 ballistic missile RV sub-ceiling

(d) a ban on tests to increase the fractionation (i.e., the MIRV capacity) of ICBMs and SLBMs beyond those levels in SALT II

(e) force modernization of all legs of the strategic triad allowed on a 1:1 RV/weapon basis within the agreed ceilings.

Such a proposal would have the following effects:

(1) it preserves the basic goal of the START proposal by emphasizing warheads and not launchers, and offers genuine reductions in the strategic arsenals of both sides. The US arsenal would reduce from approximately 9,500 weapons to 6,500, and the Soviet inventory from approximately 8,500 to 6,500.

(2) it preserves the strategic triad.

(3) it would allow the US and the Soviet Union to modernize their strategic forces. For the US this would be especially important, and would allow us to carry out the proposals of the Scowcroft Commission.

(4) it moves strategic arms control away from launchers and firmly onto the weapons themselves.

(5) it requires the largest reductions in the most destabilizing weapons, the ICBMs.

(6) Verification could be carried out as follows:

(a) RV capabilities for missiles currently in the arsenals are already established, providing a data base for both sides;

(b) counting rules for bombers and cruise missiles have been established;

(c) rules and procedures for dismantling and destroying excess systems are already in place;

(d) National Technical Means (NTM) already in place can observe the RV capacity of new missiles during tests, or observe tests of current missiles to enforce the ban on increased fractionation.

Under this proposal the strategic force structure for the United States and the Soviet Union could look like the following illustrative examples, which presume that both nations decide to maintain their current asymmetrical forces, with the US emphasizing a greater overall balance, and the Soviets emphasizing ICBMs:

#### United States

<b>ICBM:</b>	
100 MX × 10 MIRV's.....	1,000
500 Minuteman II/SICBM × 1 RV.....	500
<b>Total ICBM RV's.....</b>	<b>1,500</b>

<b>SLBM:</b>	
12 Ohio SSBN's × 24 tubes = 288 Trident II × 8 MIRV's.....	2,304
9 <sup>1</sup> Lafayette SSBN's × 16 tubes = 144 Trident I × 8 MIRV's.....	1,152
<b>Total SLBM RV's.....</b>	<b>3,456</b>

<b>Subtotal, U.S. ICBM + SLBM RV's.....</b>	<b>4,956</b>
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<b>Manned bombers: 102<sup>1</sup> B-1B's × 15 ALCM's/weapons.....</b>	<b>1,530</b>
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<b>Aggregate, U.S. Strategic weapons.....</b>	<b>6,486</b>
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<sup>1</sup> Under one of the INF approaches outlined below the United States would subsume the 144 SLBM RV's currently deployed by Britain and France in U.S. START totals. In that case the U.S. ICBM force could remain as above, while the SLBM and manned bomber totals under START would change as follows:

<b>SLBM:</b>	
12 U.S. Ohio SSBN's × 24 tubes = 288 Trident II × 8 MIRV's....	2,304
9 U.S. Lafayette SSBN's × 16 tubes = 128 Trident I × 8 MIRV's.....	1,024
4 British Polaris SSBN's × 16 tubes = 64 Polaris × 1 RV.....	64
5 French SSBN's × 16 tubes = 80 MSBS × 1 RV.....	80

<b>Total, allied SLBM RV's.....</b>	<b>3,472</b>
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<b>Subtotal, U.S. ICBM RV's + allied SLBM RV's.....</b>	<b>4,972</b>
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<b>Manned bomber: 101 B-1B's × 15 ALCM's/weapons.....</b>	<b>1,515</b>
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<b>Aggregate, U.S. allied strategic weapons.....</b>	<b>6,487</b>
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#### Soviet Union

<b>ICBM's:</b>	
100 SS-18 × 10 MIRV's.....	1,000
100 SS-24 × 10 MIRV's.....	1,000
500 SS-11/SS-13/SICBM × 1 RV.....	500

<b>Total, ICBM RV's.....</b>	<b>2,500</b>
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<b>SLBM's:</b>	
4 Typhoon SSBN's × 20=80 SS-N-X × 10 MIRV's.....	800
15 Delta III SSBN's × 16=240 SS-N-18 × 7 MIRV's.....	1,680

<b>Total, SLBM RV's.....</b>	<b>2,480</b>
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<b>Subtotal, Soviet ICBM + SLBM RV's.....</b>	<b>4,980</b>
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<b>Manned bombers:</b>	
101 Blackjack × 12 weapons.....	1,212
77 Tu-95 Bear × 4 weapons.....	308

<b>Total, manned bomber weapons.....</b>	<b>1,520</b>
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<b>Aggregate, Soviet strategic weapons.....</b>	<b>6,500</b>
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#### Phase II: INF

INF is a thornier problem than strategic systems for several reasons:

(a) there is less agreement as to which systems should be included, and what constitutes a balance in INF;

(b) unlike strategic arms, there are no precedents for INF arms control upon which to draw;

(c) verification issues become much more complex given systems that are more mobile, or that have dual (i.e., conventional and nuclear) capabilities, or in which the actual weapons themselves are much smaller.

To a large extent the outcome of the INF talks could depend on the resolution of the first issue, which systems should be included. The Soviet Union has insisted that British and French nuclear systems be included in this total, while the United States has said that this is not an issue for bilateral negotiations, and that the US has no control over those systems.

Obviously, it might be possible for the US and its allies to work out some arrangement to include these systems. The Phase I INF proposal could take either track, including or excluding these systems.

In the first proposal outlined below the current British and French nuclear forces have been included; in the second they have not. The first proposal does not take into account British and French plans for force modernization. These plans would greatly increase Allied RV totals (from the current



total of 162 RVs to some 934 RVs), which would have to be compensated for out of US SLBM totals under START, or by a major revision of INF to include SLBMs, which would then allow the Soviets to keep many of the SLBMs they otherwise would have to dismantle.

The INF proposal would take the following lines:

(a) a global ceiling of 1500 INF weapons, including IRBM/MRBM RVs, GLCMs, SLCMs, and dual capable aircraft weapons. British and French SLBMs would count as part of the US SLBM total under START;

(b) a sub-ceiling of 126 RVs on IRBMs and MRBMs;

(c) GLCMs and SLCMs are to be counted as part of the dual capable aircraft total;

(d) no SLCMs may be deployed on submarines; SLCMs may be deployed on surface vessels subject to agreed counting rules for the number of canisters per ship times the number of SLCMs carried on board.

Such a proposal would have the following effects:

(1) the global ceiling would require a reduction of Soviet systems down from current totals of approximately 2880 to 1500.

(2) the sub-ceiling on IRBM/MRBM RVs would require a reduction of approximately 318 SS-20s globally, and 198 in the SS-20 force now threatening Western Europe. Limits on IRBMs would affect the most destabilizing weapons.

(3) this ceiling could accommodate current British and French systems, but planned British and French force modernizations could be allowed only by decreasing US SLBM forces in START or raising INF limits with the possibility of Soviet SLBM deployments under INF.

(4) the US could carry out most of the planned GLCM deployment.

(5) Verification would be more difficult, especially in terms of counting aircraft and SLCMs. Agreed weapon loads counting rules for each type of aircraft and for ship loadings of SLCMs would be necessary. It might also be necessary to agree to identify all sites at which LRBM and MRBMs and/or their mobile launchers are manufactured.

Allied and Soviet force structures might appear as follows under this proposal:

#### Allied INF

<b>IRBM/MRBM:</b>	
18 SSBS (French MRBM) × 1 RV .....	18
108 U.S. Pershing II × 1 RV .....	108
<b>Total, allied IRBM/MRBM RV's .....</b>	<b>126</b>

<b>Aircraft/GLCM:</b>	
48 Vulcan B-2 (Britain) × 2 weapons .....	96
33 Mirage IV A (France) × 1 weapon .....	33
165 F-111 (U.S.) × 2 weapons .....	330
60 FB-111A (U.S.) × 4 weapons .....	240
120 A-6E (U.S.) (12 aircraft carriers × 10 aircraft = 120 aircraft) × 1 weapon .....	120
150 F-16 <sup>1</sup> (U.S.) × 1 weapon .....	150
404 GLCMs (U.S.) × 1 weapon .....	404
<b>Total, aircraft/GLCM weapons .....</b>	<b>1,373</b>
<b>Total, Allied INF .....</b>	<b>1,499</b>

#### Soviet INF

<b>IRBM/MRBM: 42 SS-20 × 3 MIRV's .....</b>		<b>126</b>
<b>Aircraft/GLCM's:</b>		
62 TU-16 Badger × 2 weapons .....	124	
150 Tu-22 Blinder × 2 weapons .....	300	

350 Su-19/Su-24 × 1 weapon .....	350
300 Tu-26 Backfire × 2 weapons .....	600

**Total, aircraft weapons .....** 1,374

**Total, Soviet INF .....** 1,500

<sup>1</sup> The inclusion of F-16's assumes agreement on some kind of FROD—functionally related observable difference—to allow verification of those aircraft committed to a nuclear mission, and the larger number planned for a conventional role.

Finally, should be the INF negotiations not include British and French systems, the US could deploy the INF forces shown below. In this case the overall INF ceiling could be dropped to 1482 and the IRBM/MRBM sub-ceiling dropped to 108 (the decrease of French MRBMs), or the US could deploy 18 additional Pershing IIs. Should the overall ceilings be lowered the Soviet total of SS-20s would have to decrease to 36, while their aircraft total could remain as above. In the US force structure shown below the INF ceiling remains at 1500, with the IRBM RV sub-ceiling dropping to 108. This would allow the full planned GLCM deployment of 464, leaving room for 88 additional aircraft to be determined in the future. In an INF agreement of 1500 weapons and 108 IRBM RVs, the Soviet could also add 18 weapons to their Aircraft/GLCM total. An INF limit of 1482 would keep their aircraft levels as above.

#### United States INF

<b>IRBM: 108 Pershing II × 1 RV .....</b>	<b>108</b>
<b>Aircraft/GLCM:</b>	
165 FB-111 × 2 weapons .....	330
60 FB-111A × 4 weapons .....	240
120 A-6E (12 aircraft carriers × 10 aircraft = 120 A-6E's) × 1 weapon .....	120
150 F-16 × 1 weapon .....	150
464 GLCM's × 1 weapon .....	464
88 other nuclear aircraft, to be decided × 1 weapon .....	88
<b>Total, aircraft weapons/GLCM .....</b>	<b>1,392</b>
<b>Total, U.S. INF .....</b>	<b>1,500</b>

#### Beyond phase I

With Phase I successfully in place, which would probably require several years to implement, it would then be possible to freeze the inventories of both sides at levels that would indeed be equal. With such a freeze in place we could then proceed to further phased reductions on strategic and intermediate forces. A number of different methods would be possible, including percentage reductions to maintain the triads in both areas, or a willingness to continue to emphasize the more destabilizing weapons first.●

### CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, will the Chair inquire if there is further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

### OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consider the bill, S. 675, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

The Senate proceeded to consider the bill (S. 675) which had been reported from the Committee on Armed Services with an amendment to strike all after the enacting clause, and insert the following:

#### SHORT TITLES

SECTION 1. (a) This Act may be cited as the "Omnibus Defense Authorization Act, 1984".

(b) Title I may be cited as the "Department of Defense Authorization Act, 1984".

(c) Title II may be cited as the "Military Construction Authorization Act, 1984".

(d) Title III may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act, 1984".

### TITLE I—PROCUREMENT, COMPENSATION, AND PERSONNEL MATTERS

#### PART A—PROCUREMENT

##### AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, missiles, weapons and tracked combat vehicles, and ammunition, and for other procurement for the Army, as follows:

For aircraft, \$3,230,900,000.

For missiles, \$2,806,900,000.

For weapons and tracked combat vehicles, \$4,531,016,000.

For ammunition, \$2,144,589,000.

For other procurement, \$4,758,170,000.

For Army National Guard equipment, \$100,000,000.

(b) The Secretary of the Army shall continue to evaluate the feasibility of establishing a second production source for the M-1 tank engine and submit the results of his evaluation to the appropriate committees of the Congress at least 30 days before any funds are obligated under a second source contract for such engine.

##### AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and for other procurement for the Navy, as follows:

For aircraft, \$10,457,400,000.

For weapons (including missiles and torpedoes), \$3,769,400,000.

For shipbuilding and conversion, \$11,391,600,000.

For other procurement, \$4,375,338,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of \$1,808,149,000.

(c) None of the funds appropriated pursuant to an authorization of appropriations in this or any prior Act may be used to equip any Naval Air Reserve unit with F/A-18 aircraft.

(d) None of the funds appropriated pursuant to any authorization of appropriations

contained in this or any other Act may be obligated or expended for the purchase of the 5-inch semiactive laser guided projectile until the Navy has caused to be published, after the date of the enactment of this Act, a notice of the proposed procurement of such projectile, as provided in section 8(e) of the Small Business Act (15 U.S.C. 637(e)), reflecting up-to-date information on such projectile. Such notice shall give reasonable opportunity, but in no event less than 90 days, for response before the award of any contract is made for procurement of such projectile.

#### AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft and missiles, and for other procurement for the Air Force, as follows:

For aircraft, \$21,286,690,000.

For missiles, \$8,532,334,000.

For other procurement, \$7,150,902,000.

For Air National Guard equipment, \$25,000,000.

(b) Of the funds authorized to be appropriated in this section for aircraft for the Air Force, the sum of \$112,100,000 is available only for contribution by the United States as its share of the cost for fiscal year 1984 of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

#### AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement by the Defense agencies in the amount of \$969,091,000.

#### AUTHORIZATION OF APPROPRIATIONS, DEFENSE PRODUCTION ACT PURCHASES

SEC. 105. Funds are hereby authorized to be appropriated for fiscal year 1984 for purchases of, or commitments to purchase, metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) in the amount of \$150,000,000.

#### CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 106. Effective on October 1, 1983, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1983" both places it appears and inserting in lieu thereof "fiscal year 1984".

#### SECURE COMMUNICATIONS EQUIPMENT AND A SPECIAL CLASSIFIED PROGRAM

SEC. 107. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1984 for the Department of Defense and other Government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than \$60,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other Government agencies and entities in support of such a national program. Equipment provided to Government agencies and entities outside the Department of Defense under the authority of this section, and such related services as may be necessary, may be furnished by the Secretary of Defense with or without reimbursement. In addition, of the funds authorized to be appropriated pursuant

to this title, not more than \$220,000,000 is authorized for a special classified program.

#### AUTHORIZATION OF MULTIYEAR CONTRACTS FOR THE B-1B AIRCRAFT; PROHIBITION ON MULTIYEAR CONTRACTS FOR CERTAIN EQUIPMENT

SEC. 108. (a) Notwithstanding any other provision of law, procurement of the B-1B aircraft program may be carried out under a multiyear procurement contract in accordance with section 2306(h) of title 10, United States Code.

(b) The Department of Defense is denied the authority to execute multiyear procurement contracts, as proposed in the Department's fiscal year 1984 budget request, for procurement of any of the following:

(1) AH-64 helicopter engines.

(2) F-18 aircraft engines.

(3) LSD-41 class amphibious ships.

(4) F-15 aircraft.

(5) KC-135 reengining (airframes).

(6) Mark 30 targets.

(7) AN/SSQ-62 DICASS sonobuoys.

(8) TB-16 towed arrays.

#### LIMITATIONS AND REQUIREMENTS WITH RESPECT TO THE PROCUREMENT AND DEPLOYMENT OF THE MX MISSILE

SEC. 109. (a)(1) Funds appropriated pursuant to the authorization of appropriations in section 103 may be used to procure not more than twenty-one operational MX missiles for deployment.

(2) MX missiles procured with funds authorized to be appropriated by section 103 shall be deployed in existing Minuteman missile silos that are part of the 319th and 400th Strategic Missile Squadrons and supported by Francis E. Warren Air Force Base, Wyoming. The first ten MX missiles procured for deployment by the Air Force shall be placed on alert status, with appropriate security and logistics facilities in operation, not later than December 31, 1986.

(b)(1) The Secretary of the Air Force shall prepare a full draft and final environmental impact statement in accordance with all terms, conditions, and requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on the proposed deployment and peacetime operations of MX missiles in the Minuteman silos referred to in subsection (a). The final environmental impact statement on the proposed deployment of such missiles shall be published not later than January 31, 1984.

(2) Notwithstanding any other provision of law, the Secretary of the Air Force (A) may immediately commence planning, facility and equipment designing, surveying, and other predeployment activities with respect to the MX missile, and (B) shall proceed promptly following the publication of the final environmental impact statement referred to in paragraph (1) with deployment of MX missiles in the missile silos referred to in subsection (a).

(c) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives, coincident with the submission to the Congress of any request made after the date of the enactment of this Act for funds for the procurement of operational MX missiles intended for deployment, a written assessment relating to the requirement for and the anticipated impact of the procurement of such missiles. This assessment shall include the President's judgment with respect to—

(A) the degree to which current and projected international conditions require the procurement of such missiles for operational purposes;

(B) the expected impact the procurement of such missiles will have on the stability of the strategic balance between the United States and the Soviet Union; and

(C) the effect the procurement of such missiles, if approved by the Congress, will likely have on achieving negotiated reductions in the nuclear forces of the United States and the Soviet Union through sound, equitable, and verifiable arms control agreements.

#### PART B—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

##### AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, \$4,193,364,000.

For the Navy (including the Marine Corps), \$7,652,642,000.

For the Air Force, \$12,499,116,000.

For the Defense agencies, \$2,468,537,000, of which \$55,800,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

##### RESTRICTION ON USE OF FUNDS FOR THE C-17 AIRCRAFT PROGRAM

SEC. 112. None of the funds appropriated pursuant to the authorization of appropriations in section 111 may be obligated or expended for the C-17 aircraft program until (1) a Selected Acquisition Report on the C-17 aircraft program has been submitted to the Committees on Armed Services of the Senate and House of Representatives, (2) the Secretary of Defense has submitted to such committees a report validating the requirement, concepts, and design of the C-17 aircraft, and (3) a period of 30 days has elapsed after the date on which such committees receive such submissions.

##### RESTRICTION ON THE USE OF FUNDS FOR THE JOINT TACTICAL MISSILE PROGRAM AND THE JOINT SURVEILLANCE AND TARGET ATTACK SYSTEM

SEC. 113. (a) None of the funds appropriated pursuant to the authorization contained in section 111 may be obligated or expended for the Joint Tactical Missile Program or the Joint Surveillance and Target Attack System until the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have jointly submitted a report to the Committees on Armed Services of the Senate and the House of Representatives containing a comprehensive and coordinated plan for the development and procurement of such program and system and submunitions associated with such program and system. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall clearly define the integration of such program and system within the Air-Land Battle concept developed in the Department of Defense and the expected contribution of such program and system to the disruption and destruction of follow-on enemy forces.

(b) The President shall submit a written report to the Congress, within 30 days after the receipt by the Committees on Armed Services of the Senate and the House of Rep-



representatives of the report referred to in subsection (a), containing his views and recommendations on the subjects discussed in that report.

**PART C—OPERATION AND MAINTENANCE  
AUTHORIZATION OF APPROPRIATIONS**

SEC. 116. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follow:

For the Army, \$17,460,900,000.  
For the Navy, \$22,538,100,000.  
For the Marine Corps, \$1,552,100,000.  
For the Air Force, \$18,017,000,000.  
For the Defense agencies, \$6,716,600,000.  
For the Army Reserve, \$654,000,000.  
For the Naval Reserve, \$675,300,000.  
For the Marine Corps Reserve, \$52,429,000.  
For the Air Force Reserve, \$785,700,000.  
For the Army National Guard, \$1,126,400,000.  
For the Air National Guard, \$1,808,900,000.  
For the National Board for the Promotion of Rifle Practice, \$899,000.  
For Defense Claims, \$172,900,000.  
For the Court of Military Appeals, \$3,372,000.

(b) There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a);

(2) for unbudgeted increases in fuel cost; and

(3) for increases as the result of inflation in the costs of activities authorized by subsection (a).

**AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES OF THE XXIII OLYMPIAD**

SEC. 117. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 Games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 Games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 Games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal year 1984 an amount not to exceed \$25,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel-related allowances for members of the Armed Forces other than members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad, no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel-related allowances of members of the Armed Forces, other than members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad, may not be charged to appropriations made pursuant to this authorization.

(c) None of the funds appropriated pursuant to the authorization contained in this

section may be obligated until the President approves the justification for the assistance described in subsection (a) submitted by the Olympic Law Enforcement Coordination Council. The justification shall include an explanation of the necessity for the requested support for security, medical services, and for related equipment or other support. The justification shall also include the operational responsibilities and financial limitations of each governmental agency represented on the Council. Such justification shall be presented in such detail as the Secretary of Defense considers necessary.

(d) Upon approval of the justification referred to in subsection (c) by the President, a copy of such justification shall be forwarded to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

**FORCE STRUCTURE CHANGES, AIR FORCE**

SEC. 118. None of the funds appropriated pursuant to an authorization contained in this or any other Act for "Operation and Maintenance, Air Force" or "Operation and Maintenance, Air National Guard" may be obligated or expended to carry out alterations in the planned changes with respect to F-106, F-4, and F-15 aircraft types announced by the Air Force on January 31, 1983, in its plan for "Tactical and Air Defense Force Structure Changes", until—

(1) the Secretary of the Air Force has conducted a study of the cost-benefit, cost effectiveness, and military effectiveness of the proposed alterations to such plan and has submitted a written report to the Congress, in conjunction with the submission of the Department of Defense's budget request for funds for fiscal year 1985, or in conjunction with any other formal budget request for the Department of Defense, containing the results of such study, including an analysis of (A) the impacts on the regional economies of the areas that would be affected by the proposed alterations to such plan and of the non-military costs to the United States, including increases in Federal outlays for unemployment compensation, for other benefits and services to individuals and communities, and for economic adjustment activities, and (B) the environmental, strategic, and operational consequences of the proposed alterations to such plan; and

(2) a period of 60 days has expired after the date on which such report is received by the Congress and the appropriate committees have had ample opportunity to consider fully the fiscal, economic, environmental, and military ramifications of these proposed alterations to the plan announced January 31, 1983.

**LIMITATION ON AMOUNT THAT MAY BE MADE AVAILABLE FROM THE REVOLVING AND MANAGEMENT FUNDS FOR FISCAL YEAR 1984**

SEC. 119. Not more than \$2,519,166,600 may be made available out of the Revolving and Management Funds of the Department of Defense for fiscal year 1984.

**PART D—ACTIVE FORCES**

**AUTHORIZATION OF END STRENGTH**

SEC. 121. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

- (1) The Army, 780,459.
- (2) The Navy, 565,782.
- (3) The Marine Corps, 196,872.
- (4) The Air Force, 599,561.

**QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY**

SEC. 122. Effective on October 1, 1983, section 302(a) of the Department of Defense Au-

thorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out "October 1, 1982" and "September 30, 1983" and inserting in lieu thereof "October 1, 1983" and "September 30, 1984", respectively.

**EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS**

SEC. 123. Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

**PART E—RESERVE FORCES**

**AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE**

SEC. 131. (a) For fiscal year 1984, the Selected Reserve of the Reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

- (1) The Army National Guard of the United States, 424,400.
- (2) The Army Reserve, 273,700.
- (3) The Naval Reserve, 112,600.
- (4) The Marine Corps Reserve, 40,300.
- (5) The Air National Guard of the United States, 103,400.
- (6) The Air Force Reserve, 68,600.
- (7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

**AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES**

SEC. 132. (a) Within the average strengths prescribed in section 131, the Reserve components of the Armed Forces are authorized, as of September 30, 1984, 45,098 Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components.

(b)(1) The end strengths for Reserves prescribed in subsection (a) shall be apportioned among the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, and the Air Force Reserve in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of the enactment of this Act on the manner in which the initial allocation of such Reserve personnel is made and shall include the rationale for each allocation.

(2) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strength prescribed in subsection (a) may be increased by a total of

not more than the number equal to 2 percent of the total end strengths prescribed.

**INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS**

SEC. 133. (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9 .....	314	156	143	6
E-8 .....	1,494	381	617	56"

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander..	1,948	823	408	95
Lieutenant Colonel or Commander..	967	520	303	48
Colonel or Navy Captain....	338	177	171	23"

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

**BONUSES FOR ENLISTMENTS, REENLISTMENTS, AND VOLUNTARY EXTENSIONS OF SERVICE IN ELEMENTS OF THE READY RESERVE OTHER THAN THE SELECTED RESERVE**

SEC. 134. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 308f the following new sections:

"§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b) of this section.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g) of this section, except that the amount of such a bonus may not exceed \$1,000.

"(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

"(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to

such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

"(f) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

"(g) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1985.

"§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of not less than three years beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b) of this section.

"(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f) of this section, except that the amount of such a bonus may not exceed \$900.

"(c) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(d) An obligation to reimburse the United States imposed under subsection (c) of this section is, for all purposes, a debt owed to the United States.

"(e) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

"(f) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(g) A bonus may not be paid under this section to any person for a reenlistment, en-

listment, or voluntary extension of an enlistment after September 30, 1985."

(b)(1) Section 308d of such title is repealed.

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to item 308d; and

(B) by inserting after the item relating to section 308f the following new items:

"308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

"308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve."

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

**MODIFICATION OF VARIABLE HOUSING ALLOWANCE FOR MEMBERS OF RESERVE COMPONENTS SERVING SHORT TOURS OF ACTIVE DUTY**

SEC. 135. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out "A member" in the first sentence of subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, a member"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) Under regulations prescribed by the Secretary of Defense, a member of a reserve component is not entitled to a variable housing allowance while on active duty for annual training or for any other purpose under a call or order specifying a period of duty of less than 140 days."

(b) The amendments made by subsection (a) shall take effect on October 1, 1983, and shall apply to entitlements to a variable housing allowance for active duty performed on or after that date by members of the Reserve components of the Armed Forces.

**EXTENDING MEDICAL AND DENTAL CARE FOR RESERVISTS IN CERTAIN CIRCUMSTANCES**

SEC. 136. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074 the following new section:

"§ 1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training

"(a) Under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services, a member of the uniformed services is entitled to the medical benefits described in subsection (b) for an injury incurred or aggravated while the member is traveling directly to or from the place at which he is to perform, or has performed, inactive duty training.

"(b) A person described in subsection (a) is entitled to—

"(1) the hospitalization, rehospitalization, medical care (including outpatient medical care), and dental care appropriate for the treatment of his injury until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization or rehospitalization."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074 the following new item:

"1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggra-



vated while traveling to and from inactive duty training."

(b) Section 204 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) A member of the uniformed services who is entitled to hospitalization, medical, or dental care under section 1074a is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to his hospitalization and medical care, and return to his home upon discharge from treatment."

(c) The amendments made by subsections (a) and (b) shall apply only in cases of injuries incurred or aggravated on or after the date of the enactment of this Act.

**INCREASE IN THE PERIOD FOR WHICH MEMBERS OF THE SELECTED RESERVE MAY BE ORDERED TO ACTIVE DUTY**

SEC. 137. Section 673b(a) of title 10, United States Code, is amended by striking out "90 days" and inserting in lieu thereof "180 days".

**AUTHORITY OF PRESIDENT TO SUSPEND CERTAIN LAWS RELATING TO PROMOTION, RETIREMENT, AND SEPARATION**

SEC. 138. (1) Chapter 39 of title 10, United States Code, is amended by adding after section 673b the following new section:

"§ 673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation

"(a) Notwithstanding any other provision of law, during any period members of a Reserve component of the armed forces are serving on active duty pursuant to an order to active duty under authority of section 672, 673, or 673b of this title, the President may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.

"(b) A suspension made under the authority of subsection (a) shall terminate (1) upon release from active duty of members of the Reserve component ordered to active duty under the authority of section 672, 673, or 673b, as the case may be, or (2) at such time as the President determines the circumstances which required the action of ordering members of the Reserve component to active duty no longer exist, whichever is earlier."

(2) The table of sections at the beginning of chapter 39 of such title is amended by inserting immediately below the item relating to section 673b the following new item:

"673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation."

**AUTHORITY TO INCREASE TOTAL TERM OF SERVICE IN THE ARMED FORCES**

SEC. 139. (a)(1) Section 511 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years"; and

(B) in subsection (d), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years".

(2) The amendments made by paragraph (1) shall apply only with respect to persons who enlist under the authority of subsection (b) or (d) of section 511 of title 10, United States Code, sixty or more days after the date of the enactment of this Act.

(b)(1) Subsection (a) of section 651 of title 10, United States Code, is amended to read as follows:

"(a) Each person who becomes a member of an armed force, other than a person deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) shall serve in the armed forces for a total period of not less than six years nor more than eight years, as provided in regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy, unless such person is sooner discharged under such regulations because of personal hardship. Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component."

(2) The amendment made by paragraph (1) shall apply only with respect to persons who enter the Armed Forces sixty or more days after the date of the enactment of this Act.

**AUTHORITY TO RETAIN IN AN ACTIVE STATUS CERTAIN RESERVE OFFICERS WHO ARE SUBJECT TO ELIMINATION FROM ACTIVE STATUS BECAUSE OF FAILURE OF PROMOTION**

SEC. 140. (a) Section 3846 of title 10, United States Code is amended—

(1) by striking out "Except as provided in" and inserting in lieu thereof "(a) Except as provided in subsection (b) and"; and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary of the Army may retain in an active status an officer described in subsection (a) who is in the reserve grade of first lieutenant or captain for such period as the Secretary prescribes or until such officer's removal from an active status is required by another provision of law."

(b) Section 8846 of such title is amended—  
(1) in subsections (a) and (b), by striking out "Except as provided in" and inserting in lieu thereof "Except as provided in subsection (c) and"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Secretary of the Air Force may retain in an active status an officer described in subsection (a) or (b) who is in the reserve grade of first lieutenant or captain for such period as the Secretary prescribes or until such officer's removal from an active status is required by another provision of law."

**PROMOTION OF CERTAIN RESERVE COMMISSIONED OFFICERS SERVING ON ACTIVE DUTY**

SEC. 140A. (a)(1) Section 3380 of title 10, United States Code, is amended to read as follows:

"§ 3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list

"(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) Notwithstanding any other provision of law, the service in grade for promotion

purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 363 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade."

(2) The item relating to section 3380 in the table of sections at the beginning of chapter 337 of such title is amended to read as follows:

"3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list."

(b)(1) Section 8380 of title 10, United States Code, is amended to read as follows:

"§ 8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list

"(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 863 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade."

(2) The item relating to section 8380 in the table of sections at the beginning of chapter 837 of such title is amended to read as follows:

"8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list."

**AUTHORITY TO ORDER RETIRED MEMBERS OF RESERVE COMPONENTS TO ACTIVE DUTY**

SEC. 140B. (a) Section 675 of title 10, United States Code, is amended by inserting "or 688" after "672(a)".

(b) Section 688 of such title is amended—

(1) in the first sentence of subsection (a)—  
(A) by striking out "or" before "Regular Marine Corps"; and

(B) by inserting ", a retired member of a reserve component who has completed at least twenty years of active service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve" after "Marine Corps"; and

(2) in subsection (b) by striking out "A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps" and inserting in lieu thereof "A member ordered to active duty under this section".

(c) The section heading of section 688 of such title is amended to read as follows:

"§ 688. Authority to order retired members to active duty".

(d) The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 688 and inserting in lieu thereof the following:

"688. Authority to order retired members to active duty."

**DETERMINING YEARS OF SERVICE FOR TRANSFER TO THE RETIRED RESERVE**

SEC. 140C. (a) Section 3853(l) of title 10, United States Code, is amended—

(1) by inserting "and" at the end of clause (A);

(2) by striking out the comma and "and" at the end of clause (B) and inserting in lieu thereof a semicolon and "and";

(3) by striking out clause (C); and

(4) by striking out the last sentence.

(b) Sections 3360(b), 3360(c), and 3853 of such title are each amended by striking out the last sentence.

(c) Section 8853 of such title is amended—

(1) by inserting "and" at the end of clause (1);

(2) by striking the semicolon and "and" at the end of clause (2) and inserting in lieu thereof a period; and

(3) by striking out clause (3).

**GRADE DETERMINATION FOR PERSONS RECEIVING ORIGINAL APPOINTMENTS AS RESERVE OFFICERS IN MEDICAL CORPS OF THE ARMY OR AIR FORCE**

SEC. 140D. (a) Section 3359 of title 10, United States Code, is amended—

(1) by striking out "Based" at the beginning of such section and inserting in lieu thereof "(a) Except in the case of a person originally appointed as a reserve officer in the Medical Corps of the Army, based"; and

(2) by adding at the end of such section the following new subsection:

"(b) Based upon the service credited under section 3353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer in the Medical Corps of the Army is:

"(1) For persons with at least 4, but less than 14, years of service—captain.

"(2) For persons with at least 14, but less than 21, years of service—major.

"(3) For persons with at least 21 years of service—lieutenant colonel.

"(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Army determines."

(b) Section 8359 of title 10, United States Code, is amended—

(1) by striking out "Based" at the beginning of such section and inserting in lieu

thereof "(a) Except in the case of a person originally appointed as a reserve officer in the Medical Corps of the Air Force, based"; and

(2) by adding at the end of such section the following new subsection:

"(b) Based upon the service credited under section 8353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer in the Medical Corps of the Air Force is:

"(1) For persons with at least four, but less than 14, years of service—captain.

"(2) For persons with at least 14, but less than 21, years of service—major.

"(3) For persons with at least 21 years of service—lieutenant colonel.

"(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Air Force determines."

(c) Reserve officers in the Medical Corps of the Army and Air Force who have at least four years of commissioned service shall be eligible for immediate promotion to the grade of captain if otherwise qualified.

**AUTHORITY TO PERMIT RETIRED ENLISTED MEMBERS OF REGULAR COMPONENTS TO VOLUNTARILY BE PLACED IN THE READY RESERVE**

SEC. 140E. Section 269(d) of title 10, United States Code, is amended to read as follows:

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a Reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence."

**VALIDATION OF CERTAIN ARMY APPOINTMENTS MADE IN GRADES ABOVE THE GRADE OF SECOND LIEUTENANT**

SEC. 140F. (a) The appointment of a person as a reserve commissioned officer of the Army in a grade above second lieutenant that was made during the period beginning on September 15, 1981 (the effective date of the Defense Officer Personnel Management Act (Public Law 96-513; 94 Stat. 2835)), and ending on August 24, 1982 (the date of a Department of the Army directive which terminated the appointments of reserve commissioned officers above the grade of second lieutenant under appointment criteria in effect before the effective date of the Defense Officer Personnel Management Act) shall be held and considered to be a valid appointment in the grade in which the appointment was made, subject to the consent of the officer concerned.

(b)(1) A reserve commissioned officer whose appointment in a grade above second lieutenant is validated by subsection (a) is entitled to all the rights, privileges, and benefits of the grade to which appointed as of the original date of that appointment, except that such officer is not entitled to any increase in pay or allowances for any period prior to the date of the enactment of this section by virtue of the enactment of this section.

(2) Appointments validated by subsection (a) supersede subsequent appointments or enlistments.

**PART F—CIVILIAN PERSONNEL**

**AUTHORIZATION OF END STRENGTH**

SEC. 141. (a)(1) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1984, of 1,054,155.

(2) In computing the authorized strength for civilian personnel prescribed in paragraph (1), any increase during fiscal year 1984 in civilian personnel employed in Department of Defense industrially funded activities in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

(3) In computing the authorized strength for civilian personnel prescribed in section 601(a) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 727), any increase during fiscal year 1983 in Department of Defense industrially funded activities in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program, the Federal junior fellowship program, and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed in section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense



may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

**PART G—MILITARY TRAINING STUDENT LOADS**  
**AUTHORIZATION OF TRAINING STUDENT LOADS**

SEC. 151. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads, as follows:

- (1) The Army, 71,817.
- (2) The Navy, 66,911.
- (3) The Marine Corps, 21,105.
- (4) The Air Force, 49,007.
- (5) The Army National Guard of the United States, 21,105.
- (6) The Army Reserve, 12,724.
- (7) The Naval Reserve, 2,886.
- (8) The Marine Corps Reserve, 3,223.
- (9) The Air National Guard of the United States, 2,845.
- (10) The Air Force Reserve, 1,705.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in parts D, E, and F of this title. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

**SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT THE SERVICE ACADEMIES**

SEC. 152. (a)(1) Section 4344 of title 10, United States Code, is amended to read as follows:

"§ 4344. Selection of persons from foreign countries

"(a)(1) The Secretary of the Army may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Corps of the Cadets of the Academy under section 4342 of this title.

"(2) The Secretary of the Army, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Army may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Army shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Army determines, a person receiving instruction

under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(d) A person receiving instruction under this section is not subject to section 4346(d) of this title."

(2) Section 4345 of such title is repealed.

(3) The table of sections at the beginning of chapter 403 of such title is amended by striking out the items relating to sections 4344 and 4345 and inserting in lieu thereof the following:

"4344. Selection of persons from foreign countries."

(b)(1) Section 6957 of title 10, United States Code, is amended to read as follows:

"§ 6957. Selection of persons from foreign countries

"(a)(1) The Secretary of the Navy may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the midshipmen under section 6954 of this title.

"(2) The Secretary of the Navy, upon approval of the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Navy may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a midshipman is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Navy shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Navy determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a midshipman at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a midshipman at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy."

(2) The item relating to section 6957 in the table of sections at the beginning of chapter

603 of such title is amended to read as follows:

"6957. Selection of persons from foreign countries."

(c)(1) Section 9344 of title 10, United States Code, is amended to read as follows:

"§ 9344. Selection of persons from foreign countries

"(a) The Secretary of the Air Force may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title. The Secretary of the Air Force, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Air Force may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Air Force shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Air Force determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(d) A person receiving instruction under this section is not subject to section 9346(d) of this title."

(2) Section 9345 of such title is repealed.

(3) The table of sections at the beginning of chapter 903 of such title is amended by striking out the items relating to sections 9344 and 9345 and inserting in lieu thereof the following:

"9344. Selection of persons from foreign countries."

(d) Sections 4344(b)(2), 6957(b)(2), and 9344(b)(2) of title 10, United States Code, as added by this Act, do not apply to the cost of providing instruction to a person who, before the effective date of this Act, entered the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy under section 4344, 4345, 6957, 9344, or 9345 of such title, as in effect on the day before such date. Any such person shall be counted against the maximum of 40 persons who may attend the

Academy concerned at any time under any of those sections.

(e) The amendments made by this Act shall take effect one year after the date of enactment of this Act and shall apply to each person entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy after that effective date.

#### PART H—CIVIL DEFENSE

##### AUTHORIZATION OF APPROPRIATIONS

SEC. 161. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251-2297) the sum of \$161,497,000.

##### AMOUNT AUTHORIZED FOR CONTRIBUTION FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 162. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), \$54,000,000 of the amount authorized to be appropriated by section 161 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

#### PART I—PAY, TRAVEL AND TRANSPORTATION, AND RETIRED PAY MATTERS

##### PAY INCREASE OF FOUR PERCENT FOR MEMBERS OF THE UNIFORMED SERVICES EFFECTIVE ON APRIL 1, 1984

SEC. 171. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

(b)(1) Subject to the provisions of paragraphs (2) and (3), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

(2)(A) The increase provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

(B) The basic pay of enlisted members in grade E-5 shall be increased by 6 percent effective on April 1, 1984.

(C) The basic pay of enlisted members in grade E-6 shall be increased by 5 percent effective on April 1, 1984.

(3) The President may allocate the percentage increase specified under paragraphs (1) and (2) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title.

(c) Notwithstanding the effective date of April 1, 1984, prescribed in subsection (b) for the increase in compensation of members of the uniformed services, if an adjustment is made after the date of the enactment of this Act in the General Schedule of compensation for Federal classified employees and such adjustment is to become effective before April 1, 1984, the increase in the compensation of members of the uniformed services provided for in subsection (b) shall become effective on the first day of the first pay period for members of the uniformed services which begins on or after the effective date of the adjustment made in the compensation of Federal classified employees.

##### MODIFICATION OF PROVISIONS RELATING TO THE ANNUAL ADJUSTMENT OF PAY OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 172. (a) Subsections (a) and (b) of section 1009 of title 37, United States Code, are amended to read as follows:

"(a)(1) The Secretary of Defense shall prepare and submit to the President on or before July 1 of each year a written report in which the Secretary—

"(A) compares the level of the elements of military compensation described in paragraph (2) of this subsection with the wage and salary levels in the civilian sector in March of that year as reflected in the Employment Cost Index For Wages and Salaries Only for Civilian Workers (including private industry and State and local government workers, but excluding farm, household, and Federal Government workers) published by the Bureau of Labor Statistics of the Department of Labor; and

"(B) recommends an overall percentage adjustment, based upon the comparison referred to in clause (A) of this paragraph, in the elements of military compensation described in paragraph (2) of this subsection.

"(2) When the President receives the report of the Secretary of Defense, he shall immediately transmit a copy of the report to the Congress and, in accordance with the recommendations of the Secretary, make an adjustment in—

"(A) the monthly basic pay authorized members of the uniformed services by section 203(a) of this title;

"(B) the basic allowance for subsistence authorized enlisted members and officers by section 402 of this title; and

"(C) the basic allowance for quarters authorized members of the uniformed services by section 403(a) of this title.

"(b) An adjustment under this section shall have the force and effect of law and shall—

"(1) become effective on October 1 following the date on which the report of the Secretary of Defense is submitted to the President;

"(2) be based on the rates of the various elements of compensation as defined in, or made under, section 402 or 403 of this title or this section; and

"(3) subject to subsections (c) and (d) of this section, provide all eligible members with an adjustment in each element of compensation set forth in subsection (a)(2) of this section of the same overall percentage recommended by the Secretary of Defense under subsection (a)(1)(B) of this section."

(b)(1) Subsection (c)(1) of section 1009 of title 37, United States Code, is amended—

(A) by striking out "average"; and

(B) by inserting "(2)" after "subsection (a)";

(2) Subsection (c)(2) of such section is amended—

(A) by inserting "(2)" after "subsection (a)"; and

(B) by inserting "of this title" after "section 403 (b) or (c)" the first time it appears.

(3) Paragraph (2)(B) of subsection (d) of such section is amended—

(A) by inserting "(2)" after "subsection (a)"; and

(B) by striking out "in the General Schedule rates of basic pay for civilian employees" and inserting in lieu thereof "that becomes effective for members of the uniformed services".

(c) The amendments made by this section shall be effective with respect to adjustments in military pay to become effective on and after October 1, 1984.

##### EXTENSION OF SPECIAL PAY FOR AVIATION CAREER OFFICERS

SEC. 173. (a) Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) During the period beginning on October 14, 1981, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps may be accepted under this section.

"(3) During the period beginning on October 1, 1983, and ending on September 30, 1984, only an agreement—

"(A) that is executed by an officer who—

"(i) has at least six but less than eleven years of active duty;

"(ii) has completed the minimum service required for aviation training; and

"(iii) has not previously been paid special pay authorized by this section; and

"(B) that requires the officer to remain on active duty in aviation service for either three or four years;

may be accepted under this section. An officer from whom an agreement is accepted during such period may be paid an amount not to exceed \$4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed \$6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and the officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed \$6,000 for each year covered by the agreement.

"(4) An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section."

(b) Section 301b(f) of title 37, United States Code, is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

(c)(1) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301b of title 37, United States Code, should be made available only to officers who will likely be induced to remain on active duty in aviation service by receipt of the special pay.

(2) The Secretary of the Navy shall submit to the Congress not later than July 1, 1984, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since the date of the enactment of this Act. Such report shall include—

(A) a list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since the date of the enactment of this Act;

(B) the number of officers within each critical aviation specialty who received the special pay under such section since the date of the enactment of this Act by grade, years of prior active service, and amounts of special pay received under such section;

(C) an explanation and justification for the Secretary's designation of an aviation specialty as "critical" and for the payment of special pay under section 301b of such



title to officers who have more than eight years of prior active service and who are serving in pay grade O-4 or above, if payment of such pay was made to such officers; and

(D) an evaluation of the progress made since the date of the enactment of this Act toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.

**FREEZE ON THE RATES AT WHICH VARIABLE HOUSING ALLOWANCES MAY BE PAID DURING FISCAL YEAR 1984**

SEC. 174. Notwithstanding the provisions of subsection (a)(2)(B) of section 403 of title 37, United States Code, the monthly amount of a variable housing allowance payable to a member of a uniformed service during fiscal year 1984 shall be at a rate not to exceed the rate to which members serving in the same pay grade and assigned to duty in the same high housing cost area were entitled on September 30, 1983.

**CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF MOTOR VEHICLE**

SEC. 175. Section 406(b)(1) of title 37, United States Code, is amended—

(1) by inserting "(A)" before "Except as provided in paragraph (2)"; and

(2) by striking out the third and fourth sentences; and

(3) by adding at the end thereof the following:

"(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

"(i) from the old duty station to—

"(I) the customary port of embarkation which is nearest the old duty station if delivery of the motor vehicle to the port of embarkation is not made in conjunction with the member's travel to the member's port of embarkation; or

"(II) the customary port of embarkation which is nearest to the member's port of embarkation if delivery of the motor vehicle to the port of embarkation is made in conjunction with the member's travel to the member's port of embarkation; whichever is most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station; and

"(ii) from the customary port of debarkation which has been designated by the Government as most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station to the new duty station.

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 404(d)(1) of this title."

**LIMITATION ON APPLICABILITY OF ONE YEAR LOOK-BACK PROVISION**

SEC. 176. (a)(1) Subsection (e) of section 1401a of title 10, United States Code, is repealed.

(2)(A) Notwithstanding the repeal of such subsection, the provisions of such subsection shall apply in the case of any member or former member of the Armed Forces eligible to retire on the date of the enactment of this Act for a period of three years after such date in the same manner such provisions

would have applied had they not been repealed.

(B) The amount of retired or retainer pay of any member or former member of the Armed Forces who was eligible to retire on the date of the enactment of this Act and who becomes entitled to such pay at any time after the end of the three-year period beginning on the date of the enactment of this Act may not be less than it would have been had he become entitled to retired or retainer pay on the day before the end of such three-year period.

(b) Subsection (f) of such section is amended by striking out ", subject to subsection (e) of this section," in the second sentence.

**ROUNDING OF RETIRED PAY AND SURVIVOR ANNUITIES TO NEXT LOWER WHOLE DOLLAR AMOUNT**

SEC. 177. (a)(1) Section 1401(a) of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(2) Section 1401a of such title is amended by adding at the end thereof the following new subsection:

"(g) Retired or retainer pay of a member or former member of an armed force as adjusted under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(3) Section 1402(a) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(4) Section 1402(d) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(5) Section 1402a(a) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(6) Section 1402a(d) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(7) Section 3991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(8) Section 3992 of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(9) Section 6151 of such title is amended by adding at the end thereof the following new subsection:

"(e) Retired pay computed under subsection (b) or (c), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(10)(A) Chapter 571 of such title is amended by adding at the end thereof the following new section:

"§ 6333. Treatment of fractions of dollar amounts in computing retired and retainer pay

"Retired or retainer pay computed under this chapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"6333. Treatment of fractions of dollar amounts in computing retired and retainer pay."

(11) Section 6383 of such title is amended by adding at the end thereof the following new subsection:

"(k) Retired pay computed under subsection (c), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(12) Section 8991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(13) Section 8992 of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(14)(A) Section 1437(a) of such title is amended by adding at the end thereof the following new sentence: "The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(B) Section 1451 of such title is amended by adding at the end thereof the following new subsection:

"(e) The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(b) Section 423(a) of title 14, United States Code, is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(c) Section 16(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(d) Section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)) is amended by adding at the end thereof the following new paragraph:

"(7) Retired pay computed under section 210(g)(3) or under paragraph (4) or (5) of this subsection, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(e) The amendments made by this section shall take effect on October 1, 1983.

**REIMBURSEMENTS FOR ACCOMMODATIONS IN PLACE OF QUARTERS**

SEC. 178. (a) Paragraph (3) of section 7572(b) of title 10, United States Code, is amended to read as follows:

"(3) The total amount of reimbursement under this subsection may not exceed \$9,000,000 for fiscal year 1981, \$6,300,000 for fiscal year 1982, \$1,700,000 for fiscal year 1983, and \$1,300,000 for fiscal year 1984."

(b) Section 3 of Public Law 96-357 (94 Stat. 1182; 10 U.S.C. 7572 note) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984."

**ADVANCE PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR ESCORTS AND ATTENDANTS OF DEPENDENTS**

SEC. 179. (a) Section 1036 of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "The allowances authorized to be paid under this section may be paid in advance."

(b) The last sentence of section 1040(a) of such title is amended by inserting "and may be paid in advance." after "attendants".

(c) The amendments made by subsections (a) and (b) shall apply to travel performed by escorts or attendants of dependents on and after the date of the enactment of this Act.

**TRANSPORTATION OF REMAINS OF PERSONS ENTITLED TO RETIRED OR RETAINER PAY WHO DIE IN MILITARY MEDICAL FACILITIES**

SEC. 180. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in military medical facilities

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place farther from the place of death than the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in military medical facilities."

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying on or after the first day of the month beginning after the date of the enactment of this Act.

**TRANSPORTATION FOR DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES WHEN THE MEMBER-PARENT IS STATIONED OVERSEAS**

SEC. 180A. (a) Chapter 7 of title 37, United States Code, is amended by inserting after section 429 the following new section:

"§ 430. Travel and transportation: dependent children of members stationed overseas

"(a) Under regulations to be prescribed by the Secretary of Defense and subject to the provisions of subsection (b) of this section, a member of a uniformed service who—

"(1) is assigned a permanent duty station outside the United States,

"(2) is accompanied by his dependents at or near his overseas duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and

"(3) has a dependent child who is under 23 years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education;

may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

"(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under 23 years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member's duty station in the overseas area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned. However, the transportation authorized by this section may not be paid a member for a child attending a school in the United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or in the vicinity of the duty station of the member and is operated under the Defense Dependents' Education Act of 1978.

"(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section."

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"430. Travel and transportation: dependent children of members stationed overseas."

(c) The amendments made by this section shall become effective October 1, 1983.

**DELAY OF THE PAYMENT OF TEMPORARY LODGING EXPENSES BEFORE OCTOBER 1, 1984**

SEC. 180B. No member of the uniformed services may be paid or reimbursed under section 404a of title 37, United States Code, for any subsistence expenses incurred before October 1, 1984, by the member or the member's dependents while occupying temporary quarters incident to a change of permanent station.

**PART J—MISCELLANEOUS PERSONNEL PROVISIONS**

**TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY**

SEC. 181. (a) Notwithstanding section 811(a)(1) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), effective on the date of the enactment of this Act and ending on September 30, 1984, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and in the Navy above the grade of captain, may be a number in excess of 1,073, but not in excess of 1,100.

(b) Of the additional number of commissioned officers authorized by subsection (a) to be on active duty during the period specified in such subsection, in the grades specified in such subsection, the Navy shall be entitled to not less than seven and the Marine Corps shall be entitled to not less than two.

(c) Effective on the date of the enactment of this Act and ending on September 30, 1984, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be on active duty in grades above rear admiral is increased by three. None of the additional officers in grades above rear admiral authorized by this section may be in the grade of admiral.

**AUTHORITY FOR VARIABLE ENLISTMENT PERIODS**

SEC. 182. Subsections (c) and (d) of section 505 of title 10, United States Code, are amended to read as follows:

"(c) The Secretary concerned may accept original enlistments of persons for the duration of their minority or for periods of at least two but not more than six years that are determined appropriate by the Secretary, in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be.

"(d) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for periods of at least two but not more than six years that are determined appropriate by the Secretary. No enlisted member is entitled to be reenlisted for a period that would expire before the end of his current enlistment."

**AUTHORITY FOR INCREASED USAGE OF CONTRACT HEALTH CARE PROVIDERS**

SEC. 183. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1091. Contracts for direct health care providers

"(a) The Secretary concerned may contract with persons for personal and nonpersonal services for the purpose of obtaining direct health care services determined by the Secretary concerned to be required by the armed force under his jurisdiction.

"(b) A person who contracts under this section to provide direct health care services to members, former members, or dependents may be compensated at a rate prescribed by the Secretary concerned, but at a rate not greater than the rate of basic pay and allowances authorized by chapters 3 and 7 of title 37 for a commissioned officer in pay grade O-6 with twenty-six or more years of service computed under section 205 of such title."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1091. Contracts for direct health care providers."

(b)(1) Section 4022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 373 of such title is amended by striking out the item relating to section 4022.

(c)(1) Section 9022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 873 of such title is amended by striking out the item relating to section 9022.

(d) Section 201 of title 37, United States Code, is amended—

(1) by striking out subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(3) by striking out "subsections (d) and (e)" in subsection (e), as redesignated by clause (2), and inserting in lieu thereof "subsections (c) and (d)".

(e) Chapter 7 of title 37, United States Code, is amended—

(1) by striking out section 421; and

(2) by striking out in the table of sections at the beginning of such chapter the item relating to section 421.

(f) The amendments made by this section shall take effect on October 1, 1983. Any contract of employment entered into under the authority of section 4022 or 9022 of title 10, United States Code, before the effective date of this section and which is in effect on such date shall remain in effect in accordance with the terms of such contract.



## TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 184. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service."

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service."

(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

"§ 1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service

"Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the eligibility for separation pay under section 1174, determining the retirement eligibility of a member of the armed forces, and computing the retired or retainer pay of a member of the armed forces."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service."

(c)(1) Section 533(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(2) Section 3353(a)(1) of such title is amended—

(A) by striking out "chapters 337 and 363" and inserting in lieu thereof "this chapter and chapter 363"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(3) Section 5600(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(4) Section 8353(a)(1) of such title is amended—

(A) by striking out "chapters 837 and 863" and inserting in lieu thereof "this chapter and chapter 863"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(d) An individual who is a former commissioned officer of the Public Health Service who resigned from the Public Health Service after March 9, 1981, and who after such date and before the date of the enactment of this Act was given an original appointment as a commissioned officer in one of the Armed Forces—

(1) may be reappointed by the President in that Armed Force; and

(2) may be credited with any period of active commissioned service that such officer performed as a commissioned officer in the Public Health Service.

(e) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service."

## EXTENSION OF PERIOD DURING WHICH CERTAIN ACCUMULATED LEAVE MAY BE USED

SEC. 185. (a) The last sentence of section 701(f) of title 10, United States Code, is amended by inserting "third" after "end of the".

(b)(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to leave accumulated under section 701(f) of such title after September 30, 1980.

(2) A member of the Armed Forces who was authorized under section 701(f) of such title to accumulate ninety days' leave during fiscal year 1980, 1981, or 1982 and lost any leave at the end of fiscal year 1981, 1982, or 1983, respectively, because of the provisions of the last sentence of such section, as in effect on the day before the date of the enactment of this Act, shall be credited with such lost leave and may retain leave in excess of sixty days until (A) September 30, 1984, or (B) the end of the third fiscal year after the year in which such leave was accumulated, whichever is later, but in no case may such a member accumulate leave in excess of ninety days.

(3) Section 404 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 725), is repealed.

## AUTHORITY TO WAIVE AGE REQUIREMENT FOR ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER IN CERTAIN CASES

SEC. 186. Section 532 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may waive the requirement of subsection (a)(2) in the case of any person if the Secretary concerned determines that the waiver should be made because of exceptional or unusual circumstances and because the person with respect to whom the waiver is being made has a particular skill needed by the armed force concerned."

## PERFORMANCE OF CIVIL FUNCTIONS BY MILITARY OFFICERS

SEC. 187. (a) Subsection (b) of section 973 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) This subsection applies—

"(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

"(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

"(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days.

"(2)(A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States—

"(i) that is an elective office;

"(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

"(iii) that is a position in the Executive Schedule under sections 5312 through 5317 of title 5.

"(B) An officer to whom this subsection applies may hold or exercise the functions of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

"(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the functions of a civil office in the government of a State, the District of Columbia, or a territory, possession, or commonwealth of the United States (or of any political subdivision of any such government).

"(4) Nothing in this subsection shall be construed to invalidate any action undertaken by an officer in furtherance of assigned official duties.

"(c) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to implement this section."

(b) Nothing in section 973(b) of title 10, United States Code, as in effect before the date of the enactment of this Act, shall be construed—

(1) to invalidate any action undertaken by an officer of an Armed Force in furtherance of assigned official duties; or

(2) to have terminated the military appointment of an officer of an Armed Force by reason of the acceptance of a civil office, or the exercise of its functions, by that officer in furtherance of assigned official duties.

## REDUCTION IN MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY OR EMPLOYED IN THE DEPARTMENT OF DEFENSE TO PERFORM CERTAIN MANAGEMENT ACTIVITIES

SEC. 188. (a)(1) Not later than September 30, 1984, the Secretary of Defense shall reduce the total number of military personnel and the total number of civilian personnel assigned to duty in the Office of the Secretary of Defense to perform management headquarters activities or management headquarters support activities. The Secretary shall reduce the total number in each such category of personnel to a number which is at least 10 percent less than the total end strength in each such category of personnel requested by the President for fiscal year 1984 to perform such activities.

(2) Not later than September 30, 1984, the Secretary of Defense shall reduce the total number of military personnel and the total number of civilian personnel assigned to

duty in the agencies of the Department of Defense to perform management headquarters activities or management headquarters support activities. The Secretary shall reduce the total number in each such category of personnel to a number which is at least 5 percent less than the total end strength in each such category of personnel requested by the President for fiscal year 1984 to perform such activities.

(b) The Secretary of each military department shall reduce, by not later than September 30, 1984, the total number of military personnel and the total number of civilian personnel assigned to duty in each such department to perform management headquarters activities or management headquarters support activities. Each Secretary concerned shall reduce the total number in each such category of personnel to a number which is at least 5 percent less than the total end strength in each such category of personnel requested by the President for fiscal year 1984 to perform such activities.

(c) Any reduction in military or civilian personnel assigned to perform management headquarters activities or management headquarters support activities in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command may not be included for the purposes of complying with the requirements of subsection (a) or (b).

(d) In this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings as prescribed for such terms in Department of Defense Directive 4100.73 entitled "Department of Defense Management Headquarters and Headquarters Support", dated March 12, 1981.

**ADJUSTMENT OF CONSTRUCTIVE SERVICE CREDIT IN THE CASE OF CERTAIN NAVAL MEDICAL AND DENTAL OFFICERS**

SEC. 189. (a) The Secretary of the Navy shall convene boards of officers to review the records of each officer of the Medical Corps or the Dental Corps of the Navy who was appointed in either such corps before September 11, 1979, and adjust the service credited to any such officer to reflect any active commissioned service performed by such officer before such appointment or to reflect any professional civilian medical or dental experience gained by such officer in the United States before such appointment if that service or experience has not been credited to such officer. The credit granted for such prior service or experience shall be equal to that granted to similarly situated officers in the Army and Air Force.

(b) If an officer is credited under the authority of subsection (a) with additional service or experience, the Secretary of the Navy shall adjust the date of rank of such officer accordingly, and such officer shall be given precedence for promotion or advanced to a position on the active-duty list (or to a position on a corresponding list in the case of a Reserve officer not on the active-duty list) in accordance with such adjusted date of rank.

(c) If, as a result of an adjustment of his service credit under subsection (a), an officer in the Medical Corps or Dental Corps of the Navy attains precedence for promotion purposes over any other officer on the active-duty list or attains a position on the active-duty list equivalent to another officer who—

(1) is a member of the same corps as the officer whose service is adjusted under subsection (a);

(2) is serving in a grade (not above captain) higher than the grade of the officer whose service is adjusted under subsection (a); and

(3) has not been selected for early promotion to such higher grade or is on a promotion list to the next grade higher than his current grade and has not been selected for early promotion to such higher grade, then the officer whose service is adjusted under subsection (a) may be promoted to the higher grade appropriate to his adjusted credit if he is recommended for promotion to such grade by a board of officers convened under subsection (a), and, upon promotion to such higher grade, may be assigned a position on the active-duty list (or to a position on a corresponding list in the case of a Reserve officer not on the active-duty list) commensurate with his adjusted service credit.

(d) An officer whose date of rank has been changed by virtue of service credited to him under this section shall not be entitled to any increase in pay or allowances or other compensation for any period before the date of that change, and an officer who is credited with additional service under this section and is promoted to a higher grade pursuant to the recommendation of a board convened under this section shall not be entitled to any increase in pay or allowances or other compensation for the grade to which promoted for any period before the date of the promotion.

(e) Failure of an officer for selection for promotion under the procedures provided for in this section shall not count as a failure of selection for promotion for any other purpose.

(f) As used in this section, the term "active-duty list" means the active-duty list for the Navy provided for in section 620 of title 10, United States Code.

**STUDIES AND DEMONSTRATION PROJECTS ON HEALTH-CARE DELIVERY SYSTEMS**

SEC. 190. (a)(1) Chapter 55 of title 10, United States Code, as amended by section 183, is amended by adding at the end thereof the following new section:

"§ 1092. Studies and demonstration projects on health-care delivery systems

"(a)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct studies and demonstration projects on the health-care delivery system of the uniformed services with a view to improving the quality, efficiency, convenience, and cost effectiveness of providing health care services (including dental care services) under this title to members and former members and their dependents. Such studies and demonstration projects may include the following:

"(A) Alternative methods of payment for health and medical care services.

"(B) Cost-sharing by eligible beneficiaries.

"(C) Methods of encouraging efficient and economical delivery of health and medical care services.

"(D) Innovative approaches to delivery and financing of health and medical care services.

"(E) Alternative approaches to reimbursement for the administrative charges of health-care plans.

"(2) The Secretary of Defense shall include in the studies conducted under paragraph (1) alternative programs for the provision of dental care to the spouses and dependents of members of the uniformed services who are on active duty, including a program under which dental care would be provided the

spouses and dependents of such members under insurance or dental plan contracts.

"(3) The Secretary of Defense shall submit to Congress from time to time written reports on the results of the studies and demonstration projects conducted under this subsection and shall include in such reports such recommendations for improving the health-care delivery systems of the uniformed services as the Secretary considers appropriate. The Secretary shall submit the first such report not later than March 1, 1984.

"(b) The Secretary of Defense may enter into contracts with public or private agencies, institutions, and organizations to conduct studies and demonstration projects under subsection (a).

"(c) The Secretary of Defense may obtain the advice and recommendations of such advisory committees as the Secretary considers appropriate. Each such committee consulted by the Secretary under this subsection shall evaluate the proposed study or demonstration project as to the soundness of the objectives of such study or demonstration project, the likelihood of obtaining productive results based on such study or demonstration project, the resources which were required to conduct such study or demonstration project, and the relationship of such study or demonstration project to other ongoing or completed studies and demonstration projects.

"(d) A demonstration project may not be conducted under this section that provides for the furnishing of dental care under an insurance or dental plan contract."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1092. Studies and demonstration projects on health-care delivery systems."

(3) The amendments made by paragraphs (1) and (2) shall take effect on October 1, 1983, or the date of the enactment of this Act, whichever is later.

(b)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct demonstration projects for the purpose of comparing and evaluating the cost-effectiveness, accessibility, patient acceptance, and the quality of medical care contracted for by the Secretary of Defense under sections 1079 and 1086 of title 10, United States Code, with the medical care provided in those facilities deemed to be facilities of the uniformed services by virtue of section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c). The Secretary of Defense shall begin conducting such projects within one year after the date of the enactment of this section and continue conducting such projects for not less than three years.

(2) The projects carried out by the Secretary of Defense under this subsection shall utilize various alternative mechanisms for the payment of medical services provided eligible persons, including capitation, prospective payment, all-inclusive fee-for-service charges, and other concepts and programs consistent with the purpose of this subsection.

(3) If the Secretary of Defense and the Secretary of Health and Human Services determine such action is necessary in order to permit a meaningful evaluation of alternative methods of providing medical care to persons eligible for such care under sections 1079 and 1086 of title 10, United States Code, they may jointly designate additional civilian medical facilities to be facilities of



the uniformed services for the purposes of section 1079 of such title. The Secretary may designate a facility under the authority of this paragraph for such purposes only if such action is agreed to by the governing body of the facility.

(4) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall submit annually to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives a written report on the results of the studies and projects carried out under this subsection. The first such report shall be submitted not later than one year after the date of the enactment of this subsection. The last such report shall be submitted not later than one year after the completion of all such studies and projects.

(5) The Secretary of Defense and the Secretary of Health and Human Services may terminate, for purposes of chapter 55 of title 10, United States Code, the status of any facility referred to in paragraph (1) to furnish medical or dental care to members and former members of the uniformed services or their dependents at any time after the expiration of one year following submission to the Congress of the final annual report required under paragraph (4). The termination of such status in the case of any such facility may be effected only by an order jointly issued by the Secretary of Defense and the Secretary of Health and Human Services which identifies the facility whose status is being terminated and specifies the date on which such status is being terminated. A copy of each such order shall be furnished to the affected facility and the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives and shall become effective in accordance with the terms of the notice, but not earlier than six months following the date on which a copy of the notice has been furnished to the facility and the committees. Any facility described in paragraph (1) or facility designated under paragraph (3) may terminate its status described in clause (1) or its designation made under clause (3), as the case may be, at any time after the expiration of six months following the date on which a copy of the order terminating the status or designation has been furnished the facility.

(6) Section 911(b) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(b)), is amended by striking out "at any time after" and all that follows through the end of the second sentence and inserting in lieu thereof: "as provided for in section 190(b)(5) of the Department of Defense Authorization Act, 1984."

**PART K—NATO AND RELATED MATTERS**  
**NORTH ATLANTIC DEFENSE COOPERATIVE PROGRAMS**

SEC. 191. In order to fulfill the international obligations incurred by the United States under the North Atlantic Treaty Organization's Long-Term Defense Program for the rapid reinforcement of Europe, and recognizing that such action is in the national interest of the United States, the Secretary of Defense is directed to carry out commitments of the United States under the United States-German Wartime Host Nation Support Agreement of April 15, 1982, and under the Prepositioned Materiel Configured in Unit Sets (POMCUS) program not later than December 31, 1988. The Secretary of Defense shall include in his annual report to the Congress a statement describing the status of implementation of such agreement and program, including his assessment of whether

our allies are bearing their equitable share under such agreement and program and whether the implementation of such agreement and program adversely affects the readiness of the reserve components of the Armed Forces of the United States.

**REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE**

SEC. 192. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each NATO member nation agreed to increase real defense spending annually in the range of 3 percent, most NATO members except for the United States have failed to meet the 3 percent real growth commitment consistently and performance toward this goal in 1983 is estimated to be the most deficient, on average, since the goal was established; and since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that 1,000 nautical mile defense pledge has been extremely disappointing;

(3) Japan, as the ally of the United States with the greatest potential to improve its self-defense capabilities, should accelerate current efforts to increase its contributions to the common defense, and, as a tangible sign of commitment to this, as well as other aims, Japan should immediately increase its annual defense spending to the levels required for its forces to deploy fully by 1990 an effective conventional self-defense capability, including the capability to carry out its 1,000-mile defense policy; and

(4) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c)(1) The Secretary of Defense shall submit to the Congress not later than March 1, 1984, a classified report containing—

(A) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(B) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(C) estimates of the real growth in defense spending in fiscal year 1983 projected for each NATO member nation compared with the annual real growth goal in the range of 3 percent set in May 1978;

(D) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1984;

(E) an explanation of those instances in which the commitments to real growth in defense spending and to the long-term defense program have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(F) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances;

(G) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (B) and (E) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered;

(H) a description of the annual financial resources, and the military procurement and programs those resources would acquire, required for Japan to deploy fully by 1990 an effective self-defense capability, including the capability to carry out its 1,000 mile defense policy, and a description of any disparities between these requirements and the financial resources and military programs contained in the Japanese defense budget for 1984 and each succeeding annual budget in its current, multiyear defense plan, and the year by which Japan would develop the required capabilities, if not 1990; and

(I) a description of those United States forces stationed in Japan whose forward deployment in Japan is only for the purposes of defending that nation, as opposed to those United States forces stationed in Japan whose primary mission is to contribute to the defense of other nations in the Pacific Ocean and Indian Ocean regions whose security is of importance to the United States.

(2) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under paragraph (1) an unclassified report containing the matters set forth in clauses (A) through (I) of such paragraph.

**LIMITATION ON NUMBER OF MILITARY PERSONNEL STATIONED IN EUROPE**

SEC. 193. (a) Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this or any other Act may be used for the purpose of supporting an end strength level, as of September 30, 1984, of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) at any level in excess of 315,600.

(b) A number of United States military personnel in excess of 315,600, but not in excess of 320,000, may be permanently as-

signed to duty ashore in such European nations as of September 30, 1984, if—

(1) the Secretary of Defense determines and certifies to the Congress in writing that on September 30, 1984, the total number of military personnel of NATO member nations, other than the United States, stationed in the Federal Republic of Germany will not be less than the total number of military personnel of such member nations stationed in that country on the date of the enactment of this Act;

(2) the Secretary of Defense certifies to the Congress in writing on or after June 1, 1984, that the budget for the Department of Defense for fiscal year 1985 and the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 give significant priority to programs directly intended to improve NATO's conventional capabilities, particularly its capability for deep interdiction;

(3) the Department of Defense has conducted a thorough and detailed analysis of NATO's defense posture which the Secretary of Defense submits to Congress on or after June 1, 1984, with his certification in writing that a number of United States military personnel in excess of 315,600 is required to meet the United States commitment to NATO; and

(4) the studies required by sections 194 through 197 have been conducted and the reports and recommendations resulting from such studies have been submitted to the Congress.

(c) A number of United States military personnel in excess of 315,600 or in excess of 320,000 may be assigned to permanent duty ashore in European member nations of NATO as of September 30, 1984, without the conditions specified in subsection (b) having been met if the President (1) determines and certifies to the Congress in writing that overriding national security interests require a number of such personnel to be assigned to permanent duty ashore in such nations in excess of 315,600 or 320,000, as the case may be, and (2) includes in the certification the total number of such personnel required and an explanation of the overriding national security interests that require such number of personnel.

(d) In computing the limitation specified in subsections (a) and (b), there may be excluded not more than 2,600 military personnel assigned to the Ground Launched Cruise Missile program and the Pershing II Missile program.

#### REPORT ON IMPROVEMENT OF CONVENTIONAL FORCES OF NATO

SEC. 194. At the same time the President submits the budget for fiscal year 1985 pursuant to section 1105 of title 31, United States Code, but not later than March 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report and plan for improving conventional defense capabilities of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) his recommendations on how NATO's strategy and military program could and should be changed to improve substantially the chances of a successful conventional defense of Europe;

(2) a statement and explanation of what the aggregate NATO conventional defense requirements are;

(3) a current assessment and statement of the status of the Air-Land Battle concept

within the Department of Defense and NATO;

(4) an explanation of how and to what extent the various doctrines of NATO military forces are coordinated, and how variations in doctrine can be rectified or exploited to NATO's advantage;

(5) his judgment on the most effective means by which NATO military forces can be operationally integrated to implement the Air-Land Battle concept;

(6) the United States programs which are necessary to support improved NATO conventional capabilities, the changes which are needed, and what the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 provide for with respect to NATO conventional capabilities;

(7) the United States conventional programs and weapons that are provided for in the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 to enhance the disruption and destruction of Soviet follow-on echelons;

(8) the new weapons or systems which are available for such purpose that are not in the current budget or Five-Year Defense Plan of the Department of Defense;

(9) a determination of what are the achievable NATO-wide improvements in conventional defense capability; and

(10) a separate addendum and assessment by the Commander-in-Chief, Allied Forces Europe, on measures necessary to improve NATO conventional defense capabilities, including a recommended plan for such measures.

(b) The President shall submit to the Congress not later than April 1, 1984, his recommendations and plan for improving NATO conventional defense capabilities.

#### REPORT ON THE NUCLEAR POSTURE OF NATO

SEC. 195. (a) The Secretary of Defense shall conduct a study on the tactical nuclear posture of the North Atlantic Treaty Organization (NATO) and submit a report on the results of such study to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 1984. Such study shall include—

(1) a detailed assessment of the current tactical nuclear balance in Europe and that projected for 1990;

(2) an assessment of the current, respective operational doctrines for the use of tactical nuclear weapons in Europe of the Warsaw Pact and NATO;

(3) an explanation of how the threat of the use of such weapons relates to deterrence and to conventional defense;

(4) an identification of the number and types of nuclear warheads, if any, considered to be inessential to the defense structure of Western Europe, the quantity and type of such weapons that could be eliminated from Europe under appropriate circumstances without jeopardizing the security of NATO nations and an assessment of what such circumstances might be;

(5) an explanation of the steps that can be taken to develop a rational and coordinated nuclear posture by NATO in a manner that is consistent with proper emphasis on conventional defense forces and the doctrine of Air-Land Battle; and

(6) an identification of any notable, relevant developments that have occurred since the submission to the Congress in April 1975 of the report entitled "The Theater Nuclear Force Posture in Europe", prepared by the Secretary of Defense pursuant to section 302 of the Department of Defense Appropria-

tions Authorization Act, 1975 (Public Law 93-365), which might cause the findings and conclusions of that report to require revision and such revisions in such report as the Secretary considers appropriate.

(b) The President shall submit a written report to the Congress on or before April 1, 1984, containing his views on the Department of Defense study and report required under subsection (a) together with such recommendations with respect to such study and report as he deems appropriate.

#### REPORT ON COMBAT-TO-SUPPORT RATIO OF UNITED STATES FORCES IN EUROPE IN SUPPORT OF NATO

SEC. 196. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1984, on the combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty ashore in Europe in support of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) an analysis of the current combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty ashore in Europe in support of NATO and their relationship to each other;

(2) a review of the requirements for such combat, combat support, combat service support, and noncombat components;

(3) an analysis and comparison of such components and the history of their ratios to each other since 1974 as well as the projected ratios to each other during fiscal year 1985 and during each year of the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989; and

(4) his recommendations for improving the combat portion of the Armed Forces of the United States deployments in Europe or, if in his judgment, no improvements are practicable, the reasons they are not.

(b) For the purposes of the report required by subsection (a)—

(1) the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size;

(2) the combat component of the Navy includes only the combatant ships (aircraft carrier, battleship, cruiser, destroyer, frigate, submarine, and amphibious assault ships) and combat aircraft wings (fighter, attack, reconnaissance, and patrol); and

(3) the combat component of the Air Force includes only the tactical fighter, reconnaissance, tactical airlift, fighter interceptor, and bomber units of wing or smaller size.

#### REPORT ON UNITED STATES EXPENDITURES IN SUPPORT OF NATO

SEC. 197. (a) The Secretary of Defense shall review and analyze the fiscal year 1983 expenditures of the Department of Defense in fulfilling the United States commitment to the North Atlantic Treaty Organization (NATO) and the expenditures projected for such purpose for each of the fiscal years 1984 through 1989.

(b)(1) The Secretary of Defense shall submit a detailed written report to the Congress not later than June 1, 1984, on the review and analysis required under subsection (a). The Secretary shall set out in such report, in current and constant fiscal year 1983 dollar figures, the expenditures made in fiscal year 1983 and expenditures project-



ed to be made in fiscal years 1984 through 1989 by the United States in fulfilling its commitment to NATO in each of the following categories:

- (A) Procurement.
- (B) Operations and maintenance.
- (C) Military construction.
- (D) Military personnel.
- (E) Research, development, test, and evaluation.

(2) The Secretary of Defense shall also include in such report a separate breakout of the fiscal year 1983 Department of Defense expenditures in each of the categories specified in paragraph (1) for the Armed Forces of the United States assigned to permanent duty ashore in the European member nations of NATO and the expenditures projected to be incurred by the Department of Defense in each of those categories in each of the fiscal years 1984 through 1989 for personnel of the Armed Forces of the United States planned to be assigned to permanent duty ashore in such nations during each of those fiscal years. The Secretary of Defense shall also include in such report similar separate breakouts for all classes of United States forces reflected in the data submitted to the Committee on Armed Services of the Senate and printed in part 1, pages 61-68, of that Committee's hearings on Department of Defense Authorization For Appropriations For Fiscal Year 1982.

(3) The Secretary of Defense shall also include in such report the estimated percentage growth in each of the five categories specified in paragraph (1) of subsection (b), after allowing for inflation, from one year to the next for the fiscal years 1983 through 1989. In the case of each category of expenditures for which the annual projected rate of expenditure growth after fiscal year 1983 exceeds 3 percent, after allowing for inflation, over the previous fiscal year, the Secretary shall include his assessment of the impact on NATO of limiting the growth of expenditures in that category to 3 percent real growth.

#### PART L—GENERAL PROVISIONS

##### LONG-TERM LEASE AND CHARTER OF AIRCRAFT AND NAVAL VESSELS

SEC. 1001. (a) After considering cost, schedule, and urgent security requirements, it is the sense of the Congress that the most appropriate method for acquiring the T-AKX class Maritime Prepositioning Ships and the T-5 class Tankers is the long-term charter arrangements as negotiated by the Department of the Navy. The Congress directs the Department of the Navy to continue the Maritime Prepositioning Ship and T-5 Tanker programs through such charter arrangements.

(b) No funds may be appropriated for any fiscal year to or for the use of any Armed Force or obligated or expended for the lease or charter or renewal of a lease or charter of aircraft or naval vessels for a long term or for which there is a substantial termination liability unless funds therefor have been specifically authorized by law.

(c) Authorization and appropriation requests for funds for the lease or charter of aircraft or naval vessels for a long term must include as a separate line item in the procurement accounts such amount of such funds that is attributable to capital-hire.

(d) The Office of Management and Budget and the Department of the Treasury shall promulgate guidelines for lease-versus-buy or charter-versus-buy decisions by departments and agencies.

(e) Any authorization request for a lease or charter of aircraft or naval vessels for a

long term or for which there is a substantial termination liability must be accompanied by an analysis, submitted by the Department of Defense, of the costs to the United States Government, to include foregone tax revenues, of any such lease or charter program compared to the costs of procurement alternatives. Such analysis must be evaluated within a 30-day period by the Office of Management and Budget and the Department of the Treasury which are to conduct their reviews in accordance with the guidelines promulgated pursuant to subsection (d).

(f) For purposes of subsections (b), (c), and (e)—

(1) a lease or charter shall be considered to be for a long term if the term of the contract, including all options under the contract, is for five years or longer; and

(2) the United States shall be considered to have a substantial termination liability under a lease or charter if, as determined under regulations prescribed by the Secretary of Defense, the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract) is more than one-fifth the value of the vessel involved.

(g) Subsection (b) does not apply with respect to a contract entered into before the date of the enactment of this Act.

##### TRANSFER OF CERTAIN AIRCRAFT FROM EXPORT-IMPORT BANK TO THE AIR FORCE

SEC. 1002. (a) The President of the Export-Import Bank of the United States shall transfer to the Secretary of the Air Force, within 30 days after the date of the enactment of this Act (1) the five DC-10-30 aircraft and associated spare parts in the ownership of such Bank as the result of a default on a loan made by such Bank, or (2) other suitable widebody aircraft of equivalent value in the possession of such Bank. Upon the transfer of such aircraft to the Secretary of the Air Force, there shall be transferred to the appropriate account of the Export-Import Bank from Air Force Treasury account numbered 57M3500 the sum of \$100,000,000.

(b) None of the aircraft transferred to the Secretary of the Air Force under the authority of subsection (a) may be used as a replacement for Air Force 1 or Air Force 2, the President's aircraft.

##### REPEAL OF PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS

SEC. 1003. Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

##### AUTHORIZATION TO PROVIDE RECIPROCAL COMMUNICATIONS SUPPORT OR RELATED SUPPLIES AND SERVICES

SEC. 1004. (a) Chapter 147 of title 10, United States Code, is amended by inserting after section 2482, the following new section:

"§ 2483. Reciprocal communications support or related supplies and services

"(a) The Secretary of Defense may, subject to the concurrence of the Secretary of State, enter into agreements with the Government of any allied country or North Atlantic Treaty Organization subsidiary body under which the United States agrees to provide communications support or related supplies and services to such country or subsidiary body in return for the reciprocal provision of an equivalent value of communications support or related supplies and services by such country or subsidiary body.

"(b) In this section:

"(1) 'Allied country' means any of the following:

"(A) A country that is a member of the North Atlantic Treaty Organization.

"(B) Australia or New Zealand.

"(C) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

"(2) 'North Atlantic Treaty Organization subsidiary body' means any organization or international military headquarters described in section 2331(2) of this title."

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2482 the following new item:

"2483. Reciprocal communications support and related supplies and services."

##### INDEPENDENT COST ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1005. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

"§ 139c. Independent cost estimates of major defense acquisition programs

"(a) The Secretary of Defense shall not approve the full-scale engineering development or production and deployment of a major defense acquisition program unless an independent estimate of the cost of the program first has been prepared and submitted to (and considered by) the Secretary of Defense.

"(b) In this section:

"(1) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(2) 'Independent estimate' means, with respect to a major defense acquisition program, an estimate of the cost of such program prepared by an office or other entity that is not under the supervision, direction, or control of the military department, defense agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program.

"(3) 'Cost of the major defense acquisition program' means, with respect to a major defense acquisition program, all elements of the life-cycle costs of the program, including—

"(A) the cost of all research and development efforts, without regard to the funding source or management control;

"(B) the cost of the prime hardware and its major subcomponents; support costs including training, peculiar support, and data; initial spares; military construction costs; and the cost of all related procurements (including modifications to existing aircraft or ship platforms, where applicable), without regard to the funding source or management control of the program; and

"(C) all elements of operating and support cost."

(2) The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

"139c. Independent cost estimates of major defense acquisition programs."

(b) The provisions of section 139c of title 10, United States Code, as added by subsection (a), shall become effective on October 1, 1983.

(c) On the same date as the President submits the Department of Defense budget request for fiscal year 1985 to the Congress, the Secretary of Defense shall submit a written

report to the Committees on Armed Services of the Senate and the House of Representatives on the use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. Such report shall include an overall assessment of the extent to which such estimates were adopted by the Department in making decisions on the fiscal year 1985 budget and a general explanation of why such estimates might have been modified or rejected. In addition, the Secretary shall report on current and future initiatives to make greater or more productive use of independent cost estimates in the Department of Defense.

(d) It is the sense of the Congress that the Secretary of Defense should ensure that adequate personnel and financial resources are allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

#### CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

SEC. 1006. (a)(1) Sections 208 and 302, subsection (e) of section 202, and subsection (f) of section 401 of the Department of Education Organization Act (20 U.S.C. 3418, 3442, 3412(e), and 3461(f)) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3479(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)"; and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)"; and

(B) by striking out clause (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(b) The second sentence of section 1410(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 928(b)) is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense," and inserting in lieu thereof "The Secretary of Defense".

(c) Section 1411(a) of the Department of Defense Dependents' Education Act of 1978 (20 U.S.C. 929(a)) is amended to read as follows:

"(a) There is established in the Department of Defense an Advisory Council on Dependents' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(1) the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics (hereinafter in this section referred to as the 'Assistant Secretary'), who shall be the chairman of the Council;

"(2) six individuals appointed by the Assistant Secretary, who shall be individuals versed by training or experience in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and sponsors of students enrolled in the defense dependents' education system;

"(3) not more than three representatives from overseas military commands appointed by the Assistant Secretary; and

"(4) one individual appointed by the Secretary of Education.

The Director shall be the Executive Secretary of the Council."

(d) Section 1411(b)(1) of such Act (20 U.S.C. 929(b)(1)) is amended—

(1) by striking out "four" each place it appears and inserting in lieu thereof "two"; and

(2) by striking out "Secretary of Education" and inserting in lieu thereof "Assistant Secretary".

(e) Section 1411(c) of such Act (20 U.S.C. 929(c)) is amended—

(1) by striking out clause (2);

(2) by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively; and

(3) by striking out "Secretary of Education" in clause (4) (as redesignated in clause (2) of this subsection) and inserting in lieu thereof "Assistant Secretary".

(f) The Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of Education are each directed to take such action as may be necessary to assure the continued effective administration of the defense dependents' education system pursuant to title XIV of the Education Amendments of 1978.

#### USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE

SEC. 1007. (a) Chapter 49 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 979. Prohibition against certain actions based upon results of polygraph examinations

"(a)(1) Except as provided in subsection (c), a civilian employee of the Department of Defense may not be separated from his employment with the Department of Defense, suspended from such employment, reduced in grade or pay, furloughed, denied access to classified information, or subjected to any other adverse action with respect to his employment in any position in the Department of Defense solely on the basis of the results of a polygraph examination or solely on the basis of a refusal to submit to such an examination.

"(2) A member of the armed forces may not be permanently or temporarily transferred to a new duty station, assigned or detailed to perform new duties, denied access to classified information, or subjected to any other adverse action with respect to such member's military status or any duty assignment in the Department of Defense solely on the basis of the results of a polygraph examination or solely on the basis of a refusal to submit to such an examination.

"(b)(1) Not later than March 1, 1984, the President shall submit to the Congress a written report describing (A) unauthorized disclosures of classified information that necessitate expanded use of polygraph examinations in the Department of Defense, (B) the nature and extent of such unauthorized disclosures, and (C) the nature and extent of the damage to the national security that has resulted from the unauthorized disclosures, including specific examples of the damage and the manner in which the damage was determined and measured.

"(2) Not later than March 1, 1984, the Secretary of Defense shall submit to the Congress a written report which expresses the position of the Department of Defense regarding the accuracy and reliability of polygraph examinations and which includes—

"(A) a description of the specific studies (including statistical analyses based on such studies) conducted by or for the Department of Defense, or relied upon by the department, to support the department's use of the polygraph; and

"(B) the Secretary's analysis and explanation of how any potential damage to inno-

cent persons erroneously identified by polygraph examinations as having given false responses or information during the course of polygraph examinations is offset by the potential benefits to the United States of expanded use of the polygraph.

"(c) Polygraph examinations may be used with respect to civilian employees and prospective civilian employees of the National Security Agency of the Department of Defense in accordance with and to the extent provided for in regulations of the Department of Defense or the National Security Agency as in effect on the date of the enactment of this Act."

(b) The table of sections at the beginning of chapter 49 of such title is amended by adding at the end thereof the following new item:

"979. Prohibition against certain actions based upon results of polygraph examinations."

#### ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIAL TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1008. (a) Subsection (a) of section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended by striking out "fiscal year 1983" each place it appears and inserting in lieu thereof "fiscal years 1983 and 1984".

(b) Subsection (b) of section 1109 of such Act is amended—

(1) by inserting "and April 15, 1984," after "1983" in the first sentence; and

(2) by striking out "report" in the second sentence and inserting in lieu thereof "reports".

#### PROTECTION OF REPORTS OF MILITARY AIRCRAFT ACCIDENT SAFETY INVESTIGATIONS

SEC. 1009. (a)(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

#### "CHAPTER 19—AIRCRAFT ACCIDENTS

"Sec.

"391. Definition.

"392. Investigation reports: limitation on use.

"§ 391. Definition

"In this chapter, 'safety investigation' means an investigation conducted solely to determine the cause of an aircraft accident and to obtain information which may prevent the occurrence of similar accidents.

"§ 392. Investigation reports: limitation on use

"(a) The Secretary concerned may conduct a safety investigation of any accident involving an aircraft under the jurisdiction of the Secretary.

"(b) No part of any record or report of a safety investigation described in subsection (c) may—

"(1) be released outside of the armed force concerned, unless expressly authorized by the Secretary concerned to be released for safety purposes;

"(2) be subject to discovery in any judicial or administrative proceeding; or

"(3) be used as evidence, or to obtain evidence, in any disciplinary action or suit or other judicial or administrative proceeding.

"(c) Subsection (b) applies to any part of a record or report of a safety investigation relating to—

"(1) the deliberative portions of an investigation, including any discussion, analysis, opinion, conclusion, finding, or recommendation;



"(2) statements or information obtained under an express or implied promise of confidentiality from a witness or manufacturer; or

"(3) life science reports.

"(d) This section does not limit or alter the authority of the National Transportation Safety Board under section 702(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1442(a)), section 304(a)(1)(A) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(a)(1)(A)), and section 6(d) of the Department of Transportation Act (49 U.S.C. 1655(d)).

"(e) The Secretary concerned shall prescribe regulations to carry out this section."

(2) The table of chapters at the beginning of subtitle A, and the table of chapters at the beginning of part I of subtitle A, of title 10, United States Code, are each amended by adding the following new item after the item relating to chapter 18:

"19. Aircraft Accidents..... 391".

(b) The amendments made by subsection (a) shall apply to safety investigations of aircraft accidents that occurred before the date of the enactment of this Act and to aircraft accidents that occur after such date.

#### AUTHORIZATION OF FUNDS FOR UPGRADING THE INTERNATIONAL COORDINATING COMMITTEE (COCOM) LOGISTICAL SUPPORT

SEC. 1010. The Secretary of Defense may use, out of any funds available to the Department of Defense for fiscal year 1984, not to exceed \$2,000,000 for the purpose of upgrading and improving the logistical support of the International Coordinating Committee (COCOM) in order to strengthen control over the export of technology and equipment to certain countries by the United States and certain of its allies.

#### ASSISTANT SECRETARIES

SEC. 1011. (a)(1) Section 136(a) of title 10, United States Code, is amended by striking out "seven" and inserting in lieu thereof "ten".

(2) Section 136(b) of such title is amended by inserting after the fifth sentence the following: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense."

(b) The first sentence of section 3013 of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

(c) The first sentence of section 5034(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "(7)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(10)";

(2) by striking out "(4)" after "Assistant Secretaries of the Army" and inserting in lieu thereof "(5)"; and

(3) by striking out "(3)" after "Assistant Secretaries of the Navy" and inserting in lieu thereof "(4)".

#### COMPENSATION FOR INJURIES INCURRED IN THE PERFORMANCE OF DUTY BY MEMBERS OF THE CIVIL AIR PATROL

SEC. 1012. (a) Section 8141 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "under 18 years of age" after "Civil Air Patrol Cadet"; and

(2) in subsection (b)(1), by striking out "\$300" and inserting in lieu thereof "the

rate of basic pay payable for step 1 of grade GS-9 in the General Schedule under section 5332 of this title".

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (a)(1) shall apply only to deaths or injuries occurring on or after the date of the enactment of this Act.

(3) The amendment made by subsection (a)(2) shall apply only to the computation of compensation payable for periods commencing on or after the date of the enactment of this Act.

#### DELAY ON USE OF FUNDS FOR THE PRODUCTION OF BINARY CHEMICAL MUNITIONS

SEC. 1013. (a)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.

(2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest. The absence of constructive movement toward a negotiated, comprehensive, and verifiable ban on chemical weaponry would contribute to circumstances which justify the initiation of such production.

(b) For purposes of this section, "production of binary chemical munitions" means the final assembly of weapon components and the filling or loading of components with binary chemicals.

#### EMPLOYMENT PROTECTION FOR CERTAIN NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES

SEC. 1014. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1587. Employees of nonappropriated fund instrumentalities

"(a) In this section:

"(1) 'Nonappropriated fund instrumentality employee' means a civilian employee who is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.

"(2) 'Civilian employee' has the meaning given the term 'employee' by section 2105(a) of title 5.

"(3) 'Personnel action', with respect to a nonappropriated fund instrumentality employee (or an applicant for a position as such an employee), means—

"(A) an appointment;

"(B) a promotion;

"(C) any disciplinary or corrective action;

"(D) a detail, transfer, or reassignment;

"(E) a reinstatement, restoration, or reemployment;

"(F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and

"(G) any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

"(b) Any civilian employee, nonappropriated fund instrumentality employee, or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any nonappropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for—

"(1) a disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

"(2) a disclosure by such an employee or applicant to any civilian employee, nonappropriated fund instrumentality employee, or member of the armed forces designated by law or by the Secretary concerned to receive disclosures described in clause (1), of information which the employee or applicant believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(c) This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

"(d) The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correction of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

"(e) The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b)."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1587. Employees of nonappropriated fund instrumentalities."

(b) Section 1587 of such title, as added by subsection (a), shall apply with respect to any conduct prohibited by subsection (b) of such section which occurs after the date of the enactment of this Act.

#### AMENDMENT TO MAKE COMMANDANT OF THE MARINE CORPS A MEMBER OF THE ARMED FORCES POLICY COUNCIL

SEC. 1015. Section 171(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding after clause (10) the following new clause:

"(11) the Commandant of the Marine Corps."

**RETIREMENT DEDUCTIONS FROM THE PAY OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS**

SEC. 1016. (a) Section 8334 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (a)(1) by inserting "and a judge of the United States Court of Military Appeals" before the period; and

(2) by adding at the end of the table contained in subsection (c) the following:

<p>"Judge of the United States Court of Military Appeals for service as a judge of that court.....</p>	<p>6..... May 5, 1950, to October 31, 1956. 6½.... November 1, 1956, to December 31, 1969. 7..... January 1, 1970, to (but not including) the date of the enactment of the Omnibus Defense Authorization Act, 1984. 8..... On and after the date of the enactment of the Omnibus Defense Authorization Act, 1984."</p>
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(b) Section 8336 of such title is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A judge of the United States Court of Military Appeals who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity. If an annuity is elected before the judge becomes 60 years of age, it shall be a reduced annuity."

(c) Section 8337(a) of such title is amended by inserting the following after the third sentence: "A judge of the United States Court of Military Appeals who completes 5 years of civilian service and who is found by the Office to be disabled for useful and efficient service as a judge of such court or who is removed for mental or physical disability under section 867(a)(2) of title 10 shall be retired on the judge's own application or upon such removal."

(d) Section 8338 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) A judge of the United States Court of Military Appeals who is separated from the service after completing 5 years of civilian service is entitled to an annuity beginning at the age of 62 years. A judge of such court who is separated from the service after completing the term of service for which he was appointed is entitled to an annuity. If an annuity is elected before the judge becomes 60 years of age, it shall be a reduced annuity."

(e) Section 8339 of such title is amended—

(1) in subsection (d), by adding at the end thereof the following new paragraph:

"(6) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, retiring under this subchapter is computed under subsection (a) of this section, except,

with respect to his service as a judge of such court, his service as a member, his congressional employee service, and his military service (not exceeding five years) creditable under section 8332 of this title, his annuity is computed by multiplying 2½ percent of his average annual pay by the years of that service."

(2) by adding at the end of subsection (h) the following new sentence: "The annuity computed under subsection (d)(6) for a judge of the United States Court of Military Appeals retiring under section 8336(k) or 8338(c) of this title is reduced by ½ of 1 percent for each full month not in excess of 60 months, and ¼ of 1 percent for each full month in excess of 60 months, the judge is under 60 years of age at the date of separation."

(f) The increase in deductions from the pay of a judge of the United States Court of Military Appeals required by section 8334(c) of title 5, United States Code, as amended by subsection (a) of this section, shall be effective with respect to the first pay period that begins after the date of enactment of this Act.

**CLARIFICATION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES**

SEC. 1017. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting "except in accordance with subsection (b)(3)" after "may not be revoked".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).  
"(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child, including payment under subsection (d). If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).  
"(3)(A) A person—  
"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and  
"(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan, may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.  
"(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—  
"(i) the person was married to that former spouse for at least one year, or

"(ii) that former spouse is the parent of issue by that marriage.

"(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).  
"(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.  
"(4) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order."

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out "at the time the person to whom section 1448 applies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).  
(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.  
(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".  
(2) Section 1448(a)(3) is amended—  
(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and  
(B) by striking out "of this section" both places it appears.  
(3) Section 1450(f) of such title is amended—  
(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out "at the time the person to whom section 1448 applies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).  
(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.  
(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".  
(2) Section 1448(a)(3) is amended—  
(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and  
(B) by striking out "of this section" both places it appears.  
(3) Section 1450(f) of such title is amended—  
(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.  
(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".  
(2) Section 1448(a)(3) is amended—  
(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and  
(B) by striking out "of this section" both places it appears.  
(3) Section 1450(f) of such title is amended—  
(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".  
(2) Section 1448(a)(3) is amended—  
(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and  
(B) by striking out "of this section" both places it appears.  
(3) Section 1450(f) of such title is amended—  
(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and  
(B) by striking out "of this section" both places it appears.  
(3) Section 1450(f) of such title is amended—  
(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and  
(B) by striking out "of this section" both places it appears.  
(3) Section 1450(f) of such title is amended—  
(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(A) by striking out "of this subsection" in paragraph (1); and  
(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment".  
(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code."

**CLARIFICATION OF CONTINUING RESPONSIBILITY FOR FUNDING OF CERTAIN SURVIVORS' BENEFITS**

SEC. 1018. Section 156(g)(1) of Public Law 97-377 (96 Stat. 1922) is amended—

(1) by striking out "fiscal year 1983" and inserting in lieu thereof "each fiscal year";



(2) by striking out "from the 'Retired Pay, Defense' account of the Department of Defense"; and

(3) by inserting between the first and second sentences the following: "During fiscal year 1983, transfers under this subsection shall be made from the 'Retired Pay, Defense' account of the Department of Defense. During subsequent fiscal years, such transfers shall be made from such account or from funds otherwise available to the Secretary for the purpose of the payment of such benefits and expenses."

**AUTHORITY FOR REGULAR MEMBER OF THE ARMED FORCES TO SERVE AS THE FEDERAL COMMISSIONER ON THE RED RIVER COMPACT COMMISSION**

SEC. 1019. The Act entitled "An Act to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas", approved December 22, 1980 (94 Stat. 3305), is amended by adding at the end thereof the following new section:

"Sec. 5. (a) The President may appoint a regular officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty as the Federal Commissioner of the Commission.

"(b) Notwithstanding the provisions of section 973(b) of title 10, United States Code, acceptance by a regular officer of the Army, Navy, Air Force, or Marine Corps of an appointment as the Federal Commissioner of the Commission, or the exercise of the functions of Federal Commissioner and chairman of the Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer."

**TEST PROGRAM ON LIMITED USE OF COMMISSARY STORES BY MEMBERS OF THE SELECTED RESERVE**

SEC. 1020. (a) The Secretary of Defense shall carry out in one or more areas of the United States a test program under which members of the Selected Reserve of the Ready Reserve of a Reserve component of the Armed Forces will be permitted to use commissary stores of the Department of Defense a number of days each year equal to the number of days the member performs active duty for training as a member of the Selected Reserve. Under any such test program, a member of the Selected Reserve shall be permitted a period of one year, from the date on which the member performs active duty for training, to use a day of eligibility for using commissary stores.

(b) The Secretary of Defense shall report the results of the test program to the Congress no later than June 1, 1984, together with such comments and recommendations as he determines appropriate.

**REPORT ON PROPOSED LEGISLATION FOR CODIFICATION OF CERTAIN PROVISIONS OF LAW**

SEC. 1021. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than January 1, 1984, proposed legislation for codification into appropriate titles of the United States Code, or for incorporation into other existing laws, those provisions of law that have been enacted during the past five years as a part of the annual Department of Defense Authorization Act or the annual Department of Defense Appropriation Act under the heading "General Provisions" and that in the opinion of the Secretary should be so codified or incorporated.

**REQUIREMENT FOR PROPOSALS OF SUBSTANTIVE LEGISLATION PERTAINING TO THE DEPARTMENT OF DEFENSE BE SUBMITTED TO THE COMMITTEES ON ARMED SERVICES**

SEC. 1022. On and after the date of the enactment of this Act, the Secretary of Defense shall require that all proposals or requests by the Department of Defense for legislation which would confer new or expanded authority on the Department of Defense or which would amend, supersede, or otherwise change any existing law pertaining to any program administered by the Department of Defense shall be submitted or directed only to the Committees on Armed Services of the Senate and the House of Representatives. The preceding sentence does not apply to proposals or requests for legislation that would prohibit or limit the expenditure of funds or to proposals or requests for legislation that is not within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives.

**COMMITTEES ON ARMED SERVICES TO BE FURNISHED COPIES OF ALL DEPARTMENT OF DEFENSE REGULATIONS**

SEC. 1023. (a) The Secretary of Defense shall furnish to the Committees on Armed Services of the Senate and the House of Representatives copies of all regulations promulgated by the Department of Defense, and of all regulations proposed to be promulgated by that department, on and after the date of the enactment of this Act. The Secretary shall furnish such copies to the Committees within five days after the date on which such regulations are first promulgated or first proposed to be promulgated, as the case may be.

(b) The Secretary of Defense shall, within 30 days after the date of the enactment of this Act, furnish to the Committees on Armed Services of the Senate and the House of Representatives a complete set of all regulations of the Department of Defense that are in effect on the date of the enactment of this Act.

**AUTHORITY TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN TECHNICAL DATA**

SEC. 1024. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 140c. Authority of Secretary of Defense to withhold from public disclosure certain technical data

"(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space application in the possession of or under the control of the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.), except that technical data may not be withheld under this section if regulations promulgated under either such Act authorize the export of such data pursuant to a general, unrestricted license or exemption in such regulations.

"(b)(1) Within 90 days after enactment of this section, the Secretary of Defense shall propose regulations to implement this section, which shall be published in the Federal Register for a period of no less than thirty days for public comment prior to promulgation. Such regulations shall address, where appropriate, releases of technical data to allies of the United States and to qualified United States contractors for use in per-

forming United States Government contracts.

"(2) In this section, 'technical data with military or space application' means any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or be adapted for use, to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment."

(b) The table of sections at the beginning of chapter 4 of such title is amended by adding at the end thereof the following new item:

"140c. Authority of Secretary of Defense to withhold from public disclosure certain technical data."

**REDUCTION IN AUTHORIZATION OF FUNDS FOR CERTAIN INTELLIGENCE ACTIVITIES**

SEC. 1025. The authorization of appropriations contained in this Act are reduced by \$100,000,000 in accordance with the classified appendix of the Senate Committee on Armed Services to the classified schedule of appropriations for fiscal year 1984 prepared by the Select Committee on Intelligence of the Senate.

**PART M—TECHNICAL AMENDMENTS**

**TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE**

SEC. 1031. Title 10, United States Code, is amended as follows:

(1) Section 139b(g)(2) is amended by striking out "procurement" and inserting in lieu thereof "procurement".

(2) Section 140 is amended by striking out "of this section" in subsections (a) and (c).

(3) Section 520(a) is amended—

(A) by striking out "For the fiscal year beginning on October 1, 1980" and all that follows through "1982, the" and inserting in lieu thereof "The";

(B) by striking out "such fiscal year" the first place it appears in the last sentence and inserting in lieu thereof "any fiscal year"; and

(C) by striking out "number of such" and all that follows through "into" in the last sentence and inserting in lieu thereof "total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in".

(4) Section 1079 is amended—

(A) by striking out "thirty" in subsections (a) and (d) and inserting in lieu thereof "30"; and

(B) by striking out "of this section" in subsection (g).

(5)(A) The heading of section 1081 is amended by striking out the semicolon and the last word.

(B) The item relating to that section in the table of sections at the beginning of chapter 55 is amended by striking out the semicolon and the last word.

(6) Section 1085 is amended by inserting a comma after "or his dependent" the first place it appears.

(7) Section 1090 is amended by striking out "(a)".

(8) Section 1126(a)(1) is amended by striking out "Who" and inserting in lieu thereof "who".

(9) Section 1489(a)(2) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "October 14, 1980".

(10) Section 2005 is amended—

(A) by striking out "of this section" each place it appears in subsections (c) and (d); and

(B) by striking out "section—" in subsection (e) and inserting in lieu thereof "section—".

(11) Section 2101 is amended—

(A) by striking out "chapter—" and inserting in lieu thereof "chapter:";

(B) by striking out "program" and inserting in lieu thereof "Program";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out "member" and inserting in lieu thereof "Member";

(E) by striking out "and" and inserting in lieu thereof a period; and

(F) by striking out "advanced" and inserting in lieu thereof "Advanced".

(12)(A) Section 2116 is repealed.

(B) The table of sections at the beginning of chapter 104 is amended by striking out the item relating to section 2116.

(13) Section 2120 is amended by striking out "chapter—" and inserting in lieu thereof "chapter:".

(14) Section 2134 is amended by striking out the second sentence of such section.

(15) The table of chapters at the beginning of subtitle A and the table of chapters at the beginning of part II of such subtitle are amended by striking out "and" in the item relating to chapter 60 and inserting in lieu thereof "or".

## TITLE II—MILITARY CONSTRUCTION MATTERS

### PART A—ARMY

#### AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

#### INSIDE THE UNITED STATES

##### UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, \$31,100,000.  
Fort Campbell, Kentucky, \$15,300,000.  
Fort Carson, Colorado, \$17,760,000.  
Fort Devens, Massachusetts, \$3,000,000.  
Fort Douglas, Utah, \$910,000.  
Fort Drum, New York, \$1,500,000.  
Fort Hood, Texas, \$76,050,000.  
Fort Irwin, California, \$27,150,000.  
Fort Lewis, Washington, \$35,310,000.  
Fort Meade, Maryland, \$5,150,000.  
Fort Ord, California, \$6,150,000.  
Fort Polk, Louisiana, \$16,180,000.  
Fort Richardson, Alaska, \$940,000.  
Fort Riley, Kansas, \$68,700,000.  
Fort Stewart, Georgia, \$29,720,000.  
Presidio of Monterey, California, \$1,300,000.

##### UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, \$31,900,000.

##### UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benjamin Harrison, Indiana, \$5,900,000.  
Fort Benning, Georgia, \$21,750,000.  
Fort Bliss, Texas, \$40,580,000.  
Fort Jackson, South Carolina, \$39,190,000.  
Fort Knox, Kentucky, \$4,200,000.  
Fort Leavenworth, Kansas, \$13,550,000.  
Fort Lee, Virginia, \$5,930,000.  
Fort Leonard Wood, Missouri, \$12,600,000.  
Fort McClellan, Alabama, \$4,220,000.  
Fort Rucker, Alabama, \$9,650,000.  
Fort Sill, Oklahoma, \$25,150,000.  
Fort Story, Virginia, \$9,000,000.

##### MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, \$2,750,000.

##### UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, \$26,400,000.  
Detroit Arsenal, Michigan, \$270,000.  
Harry Diamond Laboratories, Maryland, \$400,000.  
Kansas Army Ammunition Plant, Kansas, \$1,150,000.  
Louisiana Army Ammunition Plant, Louisiana, \$4,250,000.  
Milan Army Ammunition Plant, Tennessee, \$550,000.  
Picatinny Arsenal, New Jersey, \$460,000.  
Red River Army Depot, Texas, \$1,250,000.  
Redstone Arsenal, Alabama, \$25,400,000.  
Rock Island Arsenal, Illinois, \$26,500,000.  
Sierra Army Depot, California, \$3,950,000.  
White Sands Missile Range, New Mexico, \$310,000.

##### AMMUNITION FACILITIES

Iowa Army Ammunition Plant, Iowa, \$2,000,000.  
Lake City Army Ammunition Plant, Missouri, \$600,000.  
Lone Star Army Ammunition Plant, Texas, \$1,300,000.  
Longhorn Army Ammunition Plant, Texas, \$270,000.  
Milan Army Ammunition Plant, Tennessee, \$340,000.  
Radford Army Ammunition Plant, Virginia, \$4,620,000.  
Scranton Army Ammunition Plant, Pennsylvania, \$1,000,000.

##### UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, \$2,750,000.

##### UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, \$12,840,000.

##### UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, \$1,650,000.  
Walter Reed Army Medical Center, Washington, District of Columbia, \$4,200,000.

##### CLASSIFIED PROJECT

Various Locations, \$1,300,000.

##### OUTSIDE THE UNITED STATES

##### UNITED STATES ARMY, JAPAN

Okinawa, \$1,400,000.

##### EIGHTH UNITED STATES ARMY

Korea, \$59,580,000.

##### BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, \$5,620,000.

##### UNITED STATES ARMY FORCES COMMAND OVERSEAS

Fort Buchanan, Puerto Rico, \$1,550,000.  
Panama, \$1,460,000.

##### UNITED STATES ARMY, EUROPE

Europe, \$19,000,000.  
Germany, \$286,920,000.  
Italy, \$2,710,000.  
Turkey, \$5,250,000.

##### UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, \$260,000.

##### FAMILY HOUSING

SEC. 202. (a) The Secretary of the Army may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Various Locations, Alaska, six units, \$1,158,000.  
Aliamanu, Hawaii, community center, \$9,900,000.

Various Locations, Europe NATO, five hundred units, \$40,000,000.

Fort Greely, Alaska, thirty-eight units, \$5,203,000.

Fort Polk, Louisiana, two hundred units, \$15,342,000.

Fort Stewart, Georgia, two hundred and forty-four units, \$14,626,000.

Wildflecken, Federal Republic of Germany, one hundred and fifty-three units, \$12,157,000.

Bayreuth, Federal Republic of Germany, thirteen units, \$1,132,000.

Kitzingen, Federal Republic of Germany, one hundred and three units, \$11,140,000.

Vicenza, Italy, two units, \$354,000.

##### CONTRACTING FOR CERTAIN PROJECTS

SEC. 203. (a) The following projects authorized in sections 201 and 202 may be carried out only as provided in subsection (b):

Operations Building in the amount of \$2,000,000 at Fort Carson, Colorado.

Child Care Center in the amount of \$3,000,000 at Fort Devens, Massachusetts.

Bulk Fuel Storage Facility in the amount of \$4,200,000 at Fort Hood, Texas.

Multipurpose Training Range in the amount of \$3,350,000 at Fort Hood, Texas.

Hangar Addition in the amount of \$2,800,000 at Fort Lewis, Washington.

Instrument Landing System in the amount of \$870,000 at Fort Lewis, Washington.

Barracks in the amount of \$5,900,000 at Fort Benjamin Harrison, Indiana.

Infantry Remote Target Systems Ranges in the amount of \$3,000,000 at Fort Bliss, Texas.

Physical Fitness Training Center in the amount of \$2,850,000 at Fort Bliss, Texas.

Chapel/Child Care Center in the amount of \$6,400,000 at Fort Jackson, South Carolina.

Education Center in the amount of \$5,200,000 at Fort Jackson, South Carolina.

Trainee Barracks in the amount of \$26,800,000 at Fort Jackson, South Carolina.

Trainee Barracks with Dining Facility in the amount of \$23,000,000 at Fort Sill, Oklahoma.

Brigade Headquarters in the amount of \$1,500,000 at Fort Huachuca, Arizona.

Bridge Repair in the amount of \$4,500,000 at Rock Island Arsenal, Illinois.

Construction of Family Housing in the amount of \$40,000,000 at various North Atlantic Treaty Organization locations in Europe.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 201 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Army in previous military construction authorization Acts.

(c) Before the Secretary of the Army may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.



## IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 204. Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed \$102,893,000, of which \$26,623,000 is available only for energy conservation projects.

## ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 205. The Secretary of the Army may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements), in the amount of \$6,750,000.

## PROJECTS USING UNOBLIGATED PRIOR YEAR AUTHORITY

SEC. 206. (a) The Secretary of the Army may carry out the following projects (for which funds are not authorized under section 251) as provided in subsection (b):

Unspecified Minor Construction projects in the amount of \$4,600,000 at various locations.

Construction projects of \$1,000,000 or less in the amount of \$6,800,000 at various locations.

(b) A contract for a project listed in subsection (a) may be entered into using authorization amounts available from approved projects authorized under title I of any previous Military Construction Authorization Act.

## PART B—NAVY

## AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 211. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

## INSIDE THE UNITED STATES

## UNITED STATES MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, \$3,530,000.

Marine Corps Base, Camp Lejeune, North Carolina, \$31,760,000.

Marine Corps Base, Camp Pendleton, California, \$39,070,000.

Marine Corps Air Station, Cherry Point, North Carolina, \$1,805,000.

Marine Corps Air Station, El Toro, California, \$14,030,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, \$7,900,000.

Marine Corps Air Station, New River, North Carolina, \$2,730,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, \$1,160,000.

Camp H. M. Smith, Oahu, Hawaii, \$2,700,000.

Marine Corps Development and Education Command, Quantico, Virginia, \$2,570,000.

Marine Corps Recruit Depot, San Diego, California, \$10,690,000.

Marine Corps Air Station, Tustin, California, \$465,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, \$25,120,000.

Marine Corps Air Station, Yuma, Arizona, \$8,920,000.

## CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, \$6,650,000.

Naval Station, Annapolis, Maryland, \$405,000.

Naval Space Surveillance Field Station, Hollandale, Mississippi, \$495,000.

## COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, \$7,800,000.

Naval Air Station, Cecil Field, Florida, \$17,670,000.

Naval Station, Charleston, South Carolina, \$43,150,000.

Naval Air Station, Key West, Florida, \$27,435,000.

Naval Amphibious Base, Little Creek, Virginia, \$9,170,000.

Naval Station, Mayport, Florida, \$25,520,000.

Naval Submarine Base, New London, Connecticut, \$8,200,000.

Naval Station, Norfolk, Virginia, \$2,560,000.

Naval Air Station, Oceana, Virginia, \$415,000.

Tactical Training Group, Atlantic, Virginia Beach, Virginia, \$3,750,000.

## COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Station, Adak, Alaska, \$2,970,000.

Naval Submarine Base, Bangor, Washington, \$8,040,000.

Naval Air Station, Barbers Point, Hawaii, \$890,000.

Naval Amphibious Base, Coronado, California, \$21,222,000.

Naval Air Station, Fallon, Nevada, \$11,900,000.

Naval Air Station, Lemoore, California, \$20,920,000.

Naval Air Station, Miramar, California, \$2,020,000.

Naval Air Station, Moffett Field, California, \$1,870,000.

Naval Air Station, North Island, California, \$20,650,000.

Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii, \$990,000.

Naval Station, Pearl Harbor, Hawaii, \$3,350,000.

Naval Submarine Base, Pearl Harbor, Hawaii, \$2,590,000.

Tactical Training Group, Pacific, San Diego, California, \$3,260,000.

Naval Station, San Diego, California, \$980,000.

Naval Submarine Base, San Diego, California, \$6,660,000.

Naval Station, Mare Island, Vallejo, California, \$210,000.

Naval Air Station, Whidbey Island, Washington, \$3,160,000.

## NAVAL EDUCATION AND TRAINING COMMAND

Naval Air Station, Chase Field, Texas, \$2,625,000.

Naval Air Station, Corpus Christi, Texas, \$495,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, \$12,190,000.

Naval Guided Missiles School, Dam Neck, Virginia, \$1,860,000.

Naval Air Station, Kingsville, Texas, \$4,830,000.

Naval Air Station, Memphis, Tennessee, \$11,800,000.

Naval Air Station, Meridian, Mississippi, \$610,000.

Naval Education and Training Center, Newport, Rhode Island, \$1,110,000.

Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, \$4,130,000.

Fleet Training Center, Norfolk, Virginia, \$1,120,000.

Naval Training Center, Orlando, Florida, \$19,690,000.

Naval Technical Training Center, Pensacola, Florida, \$210,000.

Fleet Training Center, San Diego, California, \$10,000,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, \$14,200,000.

Naval Air Station, Whiting Field, Florida, \$3,270,000.

## BUREAU OF MEDICINE AND SURGERY

National Naval Medical Center, Bethesda, Maryland, \$37,170,000.

Naval Regional Medical Center, Long Beach, California, \$8,370,000.

Naval Regional Medical Clinic, Pearl Harbor, Hawaii, \$8,490,000.

## NAVAL MATERIEL COMMAND

Naval Air Rework Facility, Alameda, California, \$21,560,000.

David W. Taylor Naval Ship Research and Development Center, Bethesda, Maryland, \$5,030,000.

Naval Supply Center, Puget Sound, Bremerton, Washington, \$200,000.

Naval Ordnance Test Unit, Cape Canaveral, Florida, \$57,000,000.

Charleston Naval Shipyard, Charleston, South Carolina, \$15,000,000.

Naval Weapons Station, Charleston, South Carolina, \$1,570,000.

Naval Air Rework Facility, Cherry Point, North Carolina, \$20,040,000.

Naval Weapons Center, China Lake, California, \$31,100,000.

Naval Weapons Station, Concord, California, \$2,720,000.

Naval Surface Weapons Center, Dahlgren, Virginia, \$5,355,000.

Fleet Combat Direction Systems Support Activity, Dam Neck, Virginia, \$4,000,000.

Naval Weapons Station, Earle, New Jersey, \$465,000.

Naval Construction Battalion Center, Gulfport, Mississippi, \$2,960,000.

Naval Ordnance Station, Indian Head, Maryland, \$1,950,000.

Naval Air Rework Facility, Jacksonville, Florida, \$2,875,000.

Naval Submarine Base, Kings Bay, Georgia, \$118,129,000, of which \$6,019,000 may be used to provide community impact and planning assistance to the communities near the submarine base.

Naval Air Engineering Center, Lakehurst, New Jersey, \$4,195,000.

Naval Air Rework Facility, Norfolk, Virginia, \$3,020,000.

Naval Supply Center, Norfolk, Virginia, \$6,400,000.

Naval Coastal Systems Center, Panama City, Florida, \$670,000.

Naval Air Test Center, Patuxent River, Maryland, \$10,150,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, \$1,440,000.

Navy Public Works Center, Pearl Harbor, Hawaii, \$13,100,000.

Pacific Missile Test Center, Point Mugu, California, \$840,000.

Portsmouth Naval Shipyard, Kittery, Maine, \$7,600,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, \$8,850,000.

Puget Sound Naval Shipyard, Bremerton, Washington, \$7,300,000.

Naval Transmitter Facility, Republic, Michigan, \$13,000,000.

Naval Ocean Systems Center, San Diego, California, \$8,000,000.

Naval Supply Center, San Diego, California, \$1,110,000.

Navy Public Works Center, San Francisco, California, \$220,000.

## NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, \$6,320,000.  
Fleet Numerical Oceanography Center, Monterey, California, \$6,980,000.

## NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, \$1,690,000.

## NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Sugar Grove, West Virginia, \$7,400,000.

## OUTSIDE THE UNITED STATES

## UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, \$750,000.

## COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, \$810,000.  
Naval Facility, Bermuda, \$1,110,000.  
Naval Station, Guantanamo Bay, Cuba, \$730,000.  
Naval Station, Keflavik, Iceland, \$6,850,000.  
Naval Station, Roosevelt Roads, Puerto Rico, \$1,300,000.  
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, \$1,945,000.

## COMMANDER IN CHIEF, PACIFIC FLEET

Commander, U.S. Naval Forces Korea Detachment, Chinhae, Korea, \$460,000.  
Navy Support Facility, Diego Garcia, \$32,500,000.  
Naval Station, Subic Bay, Republic of the Philippines, \$7,860,000.

## COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Navy Personnel Support Activity, Naples, Italy, \$640,000.  
Naval Support Activity, Naples, Italy, \$4,700,000.  
Naval Station, Rota, Spain, \$9,250,000.  
Naval Air Station, Sigonella, Italy, \$19,610,000.

## NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Center, Rota, Spain, \$980,000.

## NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, \$3,020,000.  
Naval Communication Area Master Station, Western Pacific, Guam, Mariana Islands, \$980,000.

Classified Location, \$1,280,000.

## NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Guantanamo Bay, Cuba, \$1,700,000.

## HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, \$2,970,000.

## CONTRACTING FOR CERTAIN PROJECTS

SEC. 212. (a) The following project authorized in section 211 may be carried out only as provided in subsection (b):

TRIDENT Training Facility in the amount of \$81,700,000 at the Naval Submarine Base, Kings Bay, Georgia.

(b) A contract for the project in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 211, (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Navy in previous military construction authorization Acts.

(c) Before the Secretary of the Navy may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the

appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

## FAMILY HOUSING

SEC. 213. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Marine Corps Air Station, El Toro, California, one hundred and thirty units, \$11,666,000.

Marine Corps Base, Camp Pendleton, California, three hundred units, \$23,160,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, \$29,300,000.

## IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 214. Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed \$13,240,000, of which \$3,953,000 is available only for energy conservation projects.

## ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 215. The Secretary of the Navy may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements), in the amount of \$7,395,000.

## MODIFICATION OF LEASING LIMITATION FOR NAVAL AIR STATION, LEMOORE, CALIFORNIA

SEC. 216. Section 2 of Public Law 92-378 (86 Stat. 530) relating to leases of lands for agricultural and grazing purposes at the Naval Air Station, Lemoore, California, is amended by striking out "160 irrigable acres" and inserting in lieu thereof "960 irrigable acres".

## MODIFICATION OF AUTHORITY FOR PROCUREMENT OF STEAM SUPPLY FOR THE CHARLESTON NAVAL STATION

SEC. 217. Clause (1) of section 205(a) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1366), is amended to read as follows:

"(1) construct steam lines and any other needed facilities, or pay a connection fee, to make use of energy generated by a waste heat recovery facility or a process related coal-fired cogeneration facility to be built by the Macalloy Corporation or a successor to its interest; and".

## LAND ACQUISITION FOR FUTURE FAMILY HOUSING REQUIREMENTS, SAN DIEGO, CALIFORNIA

SEC. 218. The Secretary of the Navy may acquire up to 125 acres of real property in San Diego, California (or the surrounding area), that the Secretary determines to be suitable as a site or sites for future construction of military family housing for the Department of the Navy. Such property may be acquired by exchange or by purchase using funds derived from savings in carrying out previously authorized projects. The Secretary may acquire options on such property as provided in section 2677(a) of title 10, United States Code, and (notwithstanding section 2677(b) of such title) may pay, from funds available for projects under section 2805 of title 10, United States Code, not more than \$1,000,000 for such options.

## PART C—AIR FORCE

## AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 221. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

## INSIDE THE UNITED STATES

## AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, \$16,155,000.  
Kelly Air Force Base, Texas, \$22,590,000.  
McClellan Air Force Base, California, \$10,200,000.  
Newark Air Force Station, Ohio, \$800,000.  
Robins Air Force Base, Georgia, \$18,780,000.  
Tinker Air Force Base, Oklahoma, \$12,560,000.  
Wright-Patterson Air Force Base, Ohio, \$5,923,000.

## AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, \$12,552,000.  
Brooks Air Force Base, Texas, \$10,110,000.  
Cape Canaveral Air Force Station, Florida, \$9,400,000.  
Eastern Launch Site, Florida, \$6,000,000.  
Edwards Air Force Base, California, \$12,400,000.  
Eglin Air Force Base, Florida, \$9,840,000.  
Laurence G. Hanscom Air Force Base, Massachusetts, \$3,670,000.  
Johnson Space Center, Texas, \$700,000.  
Los Angeles Air Force Station, California, \$2,670,000.  
Patrick Air Force Base, Florida, \$2,392,000.

## AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, \$2,000,000.

## AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, \$89,210,000.  
Columbus Air Force Base, Mississippi, \$2,180,000.  
Goodfellow Air Force Base, Texas, \$10,140,000.  
Gunter Air Force Station, Alabama, \$6,750,000.  
Keesler Air Force Base, Mississippi, \$24,620,000.  
Lackland Air Force Base, Texas, \$10,700,000.  
Lowry Air Force Base, Colorado, \$6,100,000.  
Mather Air Force Base, California, \$4,460,000.  
Reese Air Force Base, Texas, \$1,550,000.  
San Antonio Area, Texas, \$12,000,000.  
Sheppard Air Force Base, Texas, \$16,080,000.  
Vance Air Force Base, Oklahoma, \$1,250,000.  
Williams Air Force Base, Arizona, \$4,700,000.

## ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, \$58,390,000.  
Elmendorf Air Force Base, Alaska, \$12,070,000.  
Galena Airport, Alaska, \$13,350,000.  
Shemya Air Force Base, Alaska, \$45,600,000.

## MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, \$18,200,000.  
Andrews Air Force Base, Maryland, \$1,786,000.



Charleston Air Force Base, South Carolina, \$3,200,000.  
 Dover Air Force Base, Delaware, \$1,300,000.  
 Kirtland Air Force Base, New Mexico, \$2,240,000.  
 Little Rock Air Force Base, Arkansas, \$3,120,000.  
 McChord Air Force Base, Washington, \$12,410,000.  
 McGuire Air Force Base, New Jersey, \$620,000.  
 Pope Air Force Base, North Carolina, \$6,500,000.  
 Scott Air Force Base, Illinois, \$790,000.  
 Travis Air Force Base, California, \$1,200,000.

## PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, \$3,150,000.

## PEACEKEEPER CONSTRUCTION

Various Locations, \$46,700,000.

## SPACE COMMAND

NORAD Cheyenne Mountain Complex, Colorado, \$5,660,000.  
 Peterson Air Force Base, Colorado, \$78,700,000.

## SPECIAL PROJECT

Various Locations, \$24,000,000.

## STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, \$34,970,000.  
 Beale Air Force Base, California, \$5,550,000.  
 Blytheville Air Force Base, Arkansas, \$6,950,000.  
 Carswell Air Force Base, Texas, \$4,110,000.  
 Castle Air Force Base, California, \$6,500,000.  
 Dyess Air Force Base, Texas, \$14,300,000.  
 Ellsworth Air Force Base, South Dakota, \$6,700,000.  
 Fairchild Air Force Base, Washington, \$24,050,000.  
 Forsyth Air Force Station, Montana, \$4,225,000.  
 Grand Forks Air Force Base, North Dakota, \$8,525,000.  
 Griffiss Air Force Base, New York, \$3,450,000.  
 Grissom Air Force Base, Indiana, \$10,330,000.  
 Havre Air Force Station, Montana, \$4,936,000.  
 K. I. Sawyer Air Force Base, Michigan, \$40,460,000.  
 Loring Air Force Base, Maine, \$36,400,000.  
 Malmstrom Air Force Base, Montana, \$630,000.  
 March Air Force Base, California, \$3,550,000.  
 McConnell Air Force Base, Kansas, \$2,840,000.  
 Minot Air Force Base, North Dakota, \$13,800,000.  
 Offutt Air Force Base, Nebraska, \$39,020,000.  
 Pease Air Force Base, New Hampshire, \$7,200,000.  
 Plattsburgh Air Force Base, New York, \$1,765,000.  
 Vandenberg Air Force Base, California, \$46,002,000.  
 Whiteman Air Force Base, Missouri, \$16,600,000.  
 Wurtsmith Air Force Base, Michigan, \$5,000,000.

## TACTICAL AIR COMMAND

Bangor International Airport, Maine, \$10,100,000.  
 Bergstrom Air Force Base, Texas, \$20,310,000.

Cannon Air Force Base, New Mexico, \$6,800,000.  
 Davis-Monthan Air Force Base, Arizona, \$5,850,000.  
 England Air Force Base, Louisiana, \$3,857,000.  
 George Air Force Base, California, \$220,000.  
 Holloman Air Force Base, New Mexico, \$20,500,000.  
 Homestead Air Force Base, Florida, \$4,060,000.  
 Langley Air Force Base, Virginia, \$8,300,000.  
 Luke Air Force Base, Arizona, \$9,663,000.  
 MacDill Air Force Base, Florida, \$6,360,000.  
 Moody Air Force Base, Georgia, \$1,300,000.  
 Mountain Home Air Force Base, Idaho, \$6,590,000.  
 Myrtle Beach Air Force Base, South Carolina, \$1,550,000.  
 Nellis Air Force Base, Nevada, \$4,490,000.  
 Seymour Johnson Air Force Base, North Carolina, \$5,240,000.  
 Shaw Air Force Base, South Carolina, \$9,990,000.  
 Tyndall Air Force Base, Florida, \$29,040,000.  
 Unspecified Location, \$500,000.

## UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, \$10,085,000.

## OUTSIDE THE UNITED STATES

## AIR FORCE SYSTEMS COMMAND

Ascension Island, South Atlantic Ocean, \$4,010,000.

## MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, \$1,400,000.  
 Rhein-Main Air Base, Germany, \$1,870,000.

## PACIFIC AIR FORCES

Clark Air Base, Republic of the Philippines, \$8,850,000.  
 Diego Garcia Air Base, Indian Ocean, \$58,200,000.  
 Kadena Air Base, Japan, \$11,260,000.  
 Korea, Various Locations, \$5,900,000.  
 Kunsan Air Base, Korea, \$31,013,000.  
 Kwang-Ju Air Base, Korea, \$210,000.  
 Misawa Air Base, Japan, \$1,700,000.  
 Osan Air Base, Korea, \$42,150,000.  
 Saechon Air Base, Korea, \$210,000.  
 Suwon Air Base, Korea, \$400,000.  
 Taegu Air Base, Korea, \$2,750,000.  
 Yokota Air Base, Japan, \$1,250,000.

## STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, \$24,710,000.

## TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, \$613,000.

## UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands, \$2,050,000.  
 Germany, Various Locations, \$52,954,000.  
 Italy, Various Locations, \$30,430,000.  
 Morocco, Various Locations, \$28,000,000.  
 Oman, Various Locations, \$28,600,000.  
 Spain, Various Locations, \$6,832,000.  
 Turkey, Various Locations, \$73,220,000.  
 United Kingdom, Various Locations, \$46,580,000.  
 Various Locations, \$70,180,000.

## CONTRACTING FOR CERTAIN PROJECTS

SEC. 222. (a) The following projects authorized in section 221 may be carried out only as provided in subsection (c):

Non-Destruct Inspection Facility in the amount of \$5,900,000 and Depot Production

Support Facility in the amount of \$3,500,000 at McClellan Air Force Base, California.

Alter Unaccompanied Enlisted Personnel Housing in the amount of \$1,450,000 at Robins Air Force Base, Georgia.

Alter F-107 Engine Facility in the amount of \$420,000; Combat Communications Headquarters in the amount of \$2,150,000; and Communications Electronic Installation Facility in the amount of \$960,000 at Tinker Air Force Base, Oklahoma.

Fire Protection-Bulk Fuel Farm in the amount of \$382,000 at Arnold Engineering Development Center, Tennessee.

RAPCON/CCF Facility in the amount of \$490,000 at Edwards Air Force Base, California.

Central Heat Plant in the amount of \$79,000,000 at Chanute Air Force Base, Illinois.

PMEL Laboratory in the amount of \$530,000 at Columbus Air Force Base, Mississippi.

Alter Electrical Distribution System in the amount of \$1,600,000 and Voice Processing Training Facility in the amount of \$7,800,000 at Goodfellow Air Force Base, Texas.

Unaccompanied Enlisted Personnel Housing/Senior NCO Academy in the amount of \$5,000,000 at Gunter Air Force Station, Alabama.

Computer Training Facility in the amount of \$11,900,000 and Unaccompanied Enlisted Personnel Housing with Dining Hall in the amount of \$6,400,000 at Keesler Air Force Base, Mississippi.

Chapel in the amount of \$2,900,000 at Lackland Air Force Base, Texas.

Academic Classroom (Weapons) in the amount of \$6,100,000 at Lowry Air Force Base, Colorado.

Gymnasium in the amount of \$3,180,000 at Sheppard Air Force Base, Texas.

Addition to EMCS in the amount of \$2,000,000 at Williams Air Force Base, Arizona.

Composite Operations in the amount of \$3,700,000 and Composite Support Facility in the amount of \$5,700,000 at Galena Airport, Alaska.

Composite Wing Facility in the amount of \$3,200,000 at Charleston Air Force Base, South Carolina.

Base Transportation Complex in the amount of \$3,700,000 at Pope Air Force Base, North Carolina.

Upgrade Power Plants ADWS in the amount of \$710,000 at Carswell Air Force Base, Texas.

Unaccompanied Enlisted Personnel Housing in the amount of \$8,500,000; Dining Hall in the amount of \$3,730,000; Alter Consolidated Base Personnel Office in the amount of \$1,100,000; and Alter Unaccompanied Enlisted Personnel Housing in the amount of \$5,000,000 at Fairchild Air Force Base, Washington.

Add to and alter Vehicle Maintenance Shop in the amount of \$1,030,000; Dining Hall in the amount of \$3,200,000; and Military Personnel Support Center in the amount of \$5,600,000 at Grissom Air Force Base, Indiana.

Heating Plant Addition in the amount of \$35,000,000 at K. I. Sawyer Air Force Base, Michigan.

Unaccompanied Officer Personnel Housing in the amount of \$4,000,000 at Offutt Air Force Base, Nebraska.

Base Civil Engineer Maintenance Complex in the amount of \$7,200,000 at Pease Air Force Base, New Hampshire.

Alter Heat Plant in the amount of \$1,800,000; Unaccompanied Enlisted Personnel Housing in the amount of \$8,600,000; Dining Hall in the amount of \$3,300,000; and Vehicle Maintenance Shop in the amount of \$2,900,000 at Whiteman Air Force Base, Missouri.

Base Support Center in the amount of \$6,500,000; Composite Wing Facility in the amount of \$1,280,000; Education Center in the amount of \$2,750,000; and Alter Base Entrance/Land Acquisition in the amount of \$3,000,000 at Bergstrom Air Force Base, Texas.

Consolidated Support Center in the amount of \$6,800,000 at Cannon Air Force Base, New Mexico.

Aircraft Maintenance Hangar in the amount of \$7,700,000; Munitions Storage in the amount of \$3,700,000; add to Aircraft Maintenance Unit in the amount of \$600,000; add to Engine Inspection and Repair in the amount of \$1,000,000; Aircraft Corrosion Control in the amount of \$1,400,000; alter Unaccompanied Enlisted Personnel Housing in the amount of \$3,100,000; and Airmen Dining Hall in the amount of \$3,000,000 at Holloman Air Force Base, New Mexico.

Unaccompanied Officer Personnel Housing in the amount of \$4,600,000; Unaccompanied Enlisted Personnel Housing in the amount of \$4,500,000; Civil Engineer Science Lab in the amount of \$4,650,000; Education Center in the amount of \$2,000,000; and Base Support Center in the amount of \$6,500,000 at Tyndall Air Force Base, Florida.

(b) The following advance payment to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, may be carried out only as provided in subsection (c).

Access Roads/Widen Tippacanoe Avenue Bridge in the amount of \$6,400,000 at Norton Air Force Base, California.

(c) A contract for a project listed in subsection (a) may be entered into and the advance payment listed in subsection (b) may be made only if the funds to be obligated for the contract or advance payment are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 221 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Air Force in previous military construction authorization Acts.

(d) Before the Secretary of the Air Force may advertise for bids, or may negotiate, for a contract described in subsection (a) or make the advance payment under subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract or advance payment are available in accordance with subsection (c) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

#### FAMILY HOUSING

SEC. 223. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Lajes Field, Portugal, one hundred and fifty units, \$12,262,000.

Havre Air Force Station, Montana, five units, \$496,000.

Forsyth Air Force Station, Montana, fifty units, \$4,000,000.

Camp New Amsterdam, The Netherlands, fifty units, \$5,218,000.

RAF Upper Heyford, United Kingdom, three hundred units, \$33,982,000.

RAF Greenham Common, United Kingdom, two hundred and fifty units, \$24,246,000.

#### IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 224. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed \$63,161,000, of which \$10,877,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Air Force may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations, in the number of units shown, and in the amount shown, for each installation:

Carswell Air Force Base, Texas, two hundred and three units, \$7,477,500.

Kadena Air Base, Japan, three hundred and forty-two units, \$20,586,200.

#### ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 225. The Secretary of the Air Force may carry out architectural and engineering services and construction design in conjunction with military family housing construction (including improvements), in the amount of \$5,000,000.

#### PART D—DEFENSE AGENCIES

##### AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 231. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

##### INSIDE THE UNITED STATES

###### DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, \$14,200,000.

Defense Property Disposal Office, Anchorage, Alaska, \$2,500,000.

Defense Fuel Support Point, Ozol, California, \$1,100,000.

Defense Fuel Support Point, Long Beach, California, \$42,100,000.

Defense Depot, Tracy, California, \$480,000.

Defense Property Disposal Office, Vandenberg, California, \$880,000.

Defense Property Disposal Office, Colorado Springs, Colorado, \$810,000.

Defense Fuel Support Point, Escanaba, Michigan, \$1,000,000.

Defense Depot, Memphis, Tennessee, \$750,000.

Defense Property Disposal Office, San Antonio, Texas, \$500,000.

Defense Property Disposal Office, Tooele, Utah, \$420,000.

Defense Property Disposal Office, Norfolk, Virginia, \$940,000.

Defense Property Disposal Office, Fort Lewis, Washington, \$650,000.

###### DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, \$1,830,000.

###### NATIONAL SECURITY AGENCY

Fort Meade, Maryland, \$31,000,000.

#### OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, \$3,000,000.

Defense Systems Management College, Fort Belvoir, Virginia, \$4,700,000.

Presidio of Monterey, California, \$29,100,000.

#### DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, \$210,000.

#### DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Institute, Bethesda, Maryland, \$10,900,000.

#### DEFENSE COMMUNICATIONS AGENCY

Pentagon Building, Virginia, \$1,000,000.

#### OUTSIDE THE UNITED STATES

##### DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Hanau, Germany, \$1,300,000.

##### DEFENSE NUCLEAR AGENCY

Johnston Island, \$600,000.

#### OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, \$10,000,000.

#### NATIONAL SECURITY AGENCY

Classified Location, \$21,550,000.

Classified Location, \$25,200,000.

#### DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Ansbach, Germany, \$4,800,000.

Baumholder, Germany, \$1,200,000.

Darmstadt, Germany, \$6,000,000.

Glessen, Germany, \$6,040,000.

Spangdahlem Air Base, Germany, \$6,350,000.

Wildflecken, Germany, \$5,200,000.

Comiso, Italy, \$12,990,000.

Vicenza, Italy, \$2,310,000.

Lajes Field, Portugal, \$4,590,000.

Zaragoza Air Force Base, Spain, \$680,000.

Incirklik Air Base, Turkey, \$5,800,000.

RAF Greenham Common, United Kingdom, \$12,770,000.

RAF Lakenheath, United Kingdom, \$1,120,000.

RAF Wethersfield, United Kingdom, \$2,832,000.

Classified Location, \$9,690,000.

#### FAMILY HOUSING

SEC. 232. The Secretary of Defense may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Classified Locations, eleven units, \$1,210,000.

#### IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 233. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed \$35,000.

#### PART E—NORTH ATLANTIC TREATY

##### ORGANIZATION INFRASTRUCTURE

##### AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 241. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 255.

##### AUTHORITY TO USE UNOBLIGATED PRIOR YEAR

##### AUTHORITY FOR CONTINGENCY CONSTRUCTION

SEC. 242. (a) The Secretary of Defense may carry out contingency construction projects



in fiscal year 1984 under section 2804 of title 10, United States Code, as provided in subsection (b) in an amount not to exceed \$16,000,000.

(b) A contract for a project entered into under the authority of subsection (a) may be entered into using authorization amounts available from Defense Agency contingency construction funds authorized under any previous Military Construction Authorization Act.

**PART F—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS**  
**AUTHORIZATION OF APPROPRIATIONS, ARMY**

**SEC. 251.** (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,426,173,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, \$564,980,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, \$362,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$27,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$188,000,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title I, \$165,655,000;

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), \$1,117,188,000, not more than \$86,258,000 of which may be obligated or expended for the leasing of military family housing units in foreign countries.

**AUTHORIZATION OF APPROPRIATIONS, NAVY**

**SEC. 252.** Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,741,483,000 as follows:

(1) For projects authorized by section 211 that are to be carried out inside the United States, \$851,751,000.

(2) For projects authorized by section 211 that are to be carried out outside the United States, \$96,705,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$115,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$900,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title II, \$74,961,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), \$579,566,000, of which not more than \$149,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$18,063,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

**AUTHORIZATION OF APPROPRIATIONS, AIR FORCE**

**SEC. 253.** Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,428,908,000 as follows:

(1) For projects authorized by section 221 that are to be carried out inside the United States, \$841,234,000;

(2) For projects authorized by section 221 that are to be carried out outside the United States, \$511,586,000;

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$19,000,000;

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$147,000,000;

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$3,250,000;

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by part C, \$136,111,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), \$770,727,000, of which not more than \$492,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$56,438,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

**AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES**

**SEC. 254.** Funds are hereby authorized to be appropriated for fiscal years beginning

after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$341,836,000 as follows:

(1) For projects authorized by section 231 that are to be carried out inside the United States, \$143,070,000.

(2) For projects authorized by section 231 that are to be carried out outside the United States, \$126,022,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, \$16,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$33,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by part D, \$1,245,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), \$18,499,000, of which not more than \$15,231,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

**AUTHORIZATION OF APPROPRIATIONS, NATO**

**SEC. 255.** Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization Infrastructure program as authorized by part E, \$150,000,000.

**PART TOTAL LIMITATION ON COST VARIATIONS**

**SEC. 256.** Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects, excluding projects contained in sections 203, 212, and 222, carried out under each of parts A, B, C, and D may not exceed the total amount authorized under sections 251, 252, 253, and 254, respectively, to be appropriated for the military department concerned or the Secretary of Defense, as the case may be.

**EXPIRATION OF AUTHORIZATIONS: EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS**

**SEC. 257.** (a)(1) Except as provided in paragraph (2), all authorizations contained in parts A, B, C, D, and E for military construction projects, land acquisition, family housing projects, and contributions to NATO Infrastructure, and all authorizations of appropriations therefor contained in sections 251 through 255, expire on October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects, and contributions to NATO Infrastructure, land acquisition, and authorizations of appropriations for such projects, for which appropriated funds have been obligated before October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later, for construction contracts or land acquisition.

(b) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorizations for the following item authorized in section 101 of the Military Construction Authorization Act, 1982 (Public Law 97-99, 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Solid Waste Incinerator construction in the amount of \$4,100,000 at Fort Dix, New Jersey.

(c) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorization for the following items authorized in section 201 of the Military Construction Authorization Act, 1982 (Public Law 97-99, 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

(1) Crane and Equipment Maintenance Shop in the amount of \$13,600,000 at the Charleston Naval Shipyard, Charleston, South Carolina.

(2) Steam Plant in the amount of \$150,000,000 at the Puget Sound Naval Shipyard, Bremerton, Washington.

(3) Aircraft Parking Apron in the amount of \$3,200,000 at the Naval Air Station, Oceana, Virginia.

(d) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorization for the following item authorized in section 201 of the Military Construction Authorization Act, 1981 (Public Law 96-418, 94 Stat. 1749), and extended in section 606(d) of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Nautilus Memorial in the amount of \$1,930,000 at the Naval Submarine Base, New London, Connecticut.

(e) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorization for the following items authorized in section 201 of the Military Construction Authorization Act, 1980 (Public Law 96-125, 93 Stat. 928), and extended in section 705(d) of the Military Construction Authorization Act 1982 (Public Law 97-95, 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

(1) Industrial Waste Collection and Treatment construction in the amount of \$6,500,000 at the Long Beach Naval Shipyard, Long Beach, California.

(2) Aircraft Maintenance Hangar Addition in the amount of \$1,500,000 at the Naval Air Facility, Sigonella, Italy.

#### ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 258. For projects or contracts initiated during the period beginning on October 1, 1983, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1985 or October 1, 1984, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is \$1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is \$300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is \$30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is \$6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is \$16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 29,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is \$250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS  
SEC. 259. Parts A, B, C, D, and E of this title shall take effect on October 1, 1983.

#### PART G—GUARD AND RESERVE FORCES FACILITIES

##### AUTHORIZATION FOR FACILITIES

SEC. 261. There are authorized to be appropriated for fiscal years beginning after September 30, 1983, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities) the following amounts:

(1) For the Department of the Army—  
(A) for the Army National Guard of the United States \$59,300,000; and

(B) for the Army Reserve, \$54,700,000.  
(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, \$26,810,000.

(3) For the Department of the Air Force—  
(A) for the Air National Guard of the United States, \$78,900,000; and

(B) for the Air Force Reserve, \$41,200,000.

#### PART H—GENERAL PROVISIONS

##### ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 271. Subsection (a) of section 2807 of title 10, United States Code is amended—

(1) by deleting "such purposes" the first time it appears and inserting in lieu thereof "military construction and military family housing"; and

(2) by inserting ", family housing projects, and projects undertaken in connection with the authority provided under section 2854 of this title," in the first sentence after "projects".

##### SMALL BUSINESS SET-ASIDE FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 272. Section 2855 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Contracts" at the beginning of such section; and

(2) by adding at the end thereof the following new subsection:

"(b) Contracts for services and construction design referred to in subsection (a) that are for less than \$85,000 shall be reserved for and awarded to small business concerns (as defined in section 3 of the Small Business Act) if the Secretary concerned determines that there are at least two small business concerns qualified to perform such services or design. Such contracts that are for \$85,000 or more shall be open to all firms qualified to provide the services or design work required."

##### REQUIREMENT WITH RESPECT TO FAMILY HOUSING CONSTRUCTED IN FOREIGN COUNTRIES

SEC. 273. (a) The Secretary of Defense shall require the use of manufactured or factory built housing for all military family housing constructed in any foreign country after the date of the enactment of this Act.

(b) Subsection (a) shall not apply to the two housing units authorized by this Act to be constructed by the Army at Vicenza, Italy.

##### FEDERAL CONTRIBUTION FOR MOVING LANDFILL NEAR LANGLEY AIR FORCE BASE

SEC. 274. The Secretary of the Air Force may contribute, as the fair share of the United States, a sum equal to not more than 50 percent of the cost of moving the existing landfill adjacent to Langley Air Force Base, Langley, Virginia, to a new location, but may not contribute more than \$3,750,000. The Secretary may not make any contribution under this section unless the new location of the landfill meets the minimum standards for the location of landfills on or near airport facilities prescribed by the Federal Aviation Administration in Order Number 5200.5 (Guidance Concerning Sanitary Landfills on or Near Airports).

(b) The Secretary shall obtain such assurances as he determines necessary (including the execution of covenants and easements) to ensure that the present landfill location, adjacent to Langley Air Force Base, will be used in the future only in a manner compatible with the Air Installation Compatible Use Zone (AICUZ) for Langley Air Force Base.

##### IMPACT ASSISTANCE FOR AREAS AFFECTED BY THE DEPLOYMENT OF THE MX MISSILE

SEC. 275. Section 802 of the Military Construction Authorization Act, 1981 (10 U.S.C. 139 note), is amended—

(1) in subsection (a)—

(A) by inserting "MX Missile System sites, communities located near" before "the East Coast Trident Base" the first time it appears; and

(B) by striking out "East Coast Trident Base" the second time it appears and inserting in lieu thereof "MX Missile System or the East Coast Trident Base, as the case may be,";

(2) in subsection (b)—

(A) by striking out "East Coast Trident Base" in paragraph (1)(C) and inserting in lieu thereof "MX Missile System site or the East Coast Trident Base, as the case may be"; and

(B) by striking out "East Coast Trident Base" in paragraph (3) and inserting in lieu thereof "MX Missile System sites or the East Coast Trident Base, as the case may be";



Coast Trident Base, as the case may be"; and

(3) in subsection (d), by inserting "MX Missile System deployment program and the" before "East Coast Trident Base".

LAND CONVEYANCE, VENTURA COUNTY,  
CALIFORNIA

SEC. 276. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") shall convey to the Oxnard Harbor District, a special district of the State of California, all right, title, and interest of the United States in and to a tract of land, together with the improvements on such land, located in the City of Port Hueneme in the County of Ventura, California, consisting of the United States Navy Wharf Number 2 and approximately 18.546 acres and more particularly described in the Official Records on file in the Office of the County Recorder of the County of Ventura, California, in Book 665, page 349.

(b) In consideration for the conveyance under subsection (a), the Oxnard Harbor District shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Oxnard Harbor District.

(d) The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) In the event of a war or a national emergency declared by the Congress or a national emergency declared by the President after the date of the enactment of this Act, and upon a determination by the Secretary of Defense that the property conveyed under subsection (a) is necessary or would be useful for military or other national defense purposes, the United States shall have the right, upon payment to the Oxnard Harbor District of just compensation, to reenter upon the property and use the property or any part of it, including any and all improvements made thereon, for the duration of the war or emergency plus six months.

SALE AND REPLACEMENT OF REAL PROPERTY

SEC. 277. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of Subchapter I the following new section:

"§ 2809. Sale and replacement of real property

"(a) The purpose of this section is to permit the sale of real property under the control of the Department of Defense, and to provide for the effective and efficient replacement of Defense functions displaced thereby. To facilitate this purpose, there is hereby established on the books of the Department of the Treasury the Department of Defense Facilities Replacement Management Account (hereinafter in this section referred to as the "management account"), which shall be administered by the Secretary of the Defense as a single account.

"(b)(1) The Secretary of Defense, subject to subsections (c) through (g), may propose to the Congress transactions consisting of (A) the sale of any real property under the control of the Department of Defense, excluding public domain lands, property which can be considered excess under the provisions of the Federal Property and Administrative

Services Act of 1949, and property determined by the Secretary of the Interior, in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)) to be suitable for use as a public park or recreation area, and (B) such land acquisition, construction of replacement facilities, and relocations as may be required to insure efficient and effective continuity of defense functions.

"(2) All transactions proposed under this authority shall be authorized under a separate title of the annual military construction Act.

"(3) The authority to sell real property conferred by this section shall be in addition to any authority conferred by any other law, including the Federal Property and Administrative Services Act of 1949.

"(c) All transactions proposed pursuant to subsection (B)—

"(1) shall consist of a description of the property to be sold, its specific location, and estimate of its fair market value, an explanation of the need for any replacement property or facilities, an estimate of replacement or relocation costs, a schedule of expected payments, and a schedule of the anticipated proceeds to be realized from the sale;

"(2) shall be accomplished using competitive bid procedures or qualified contract realty brokers to the extent feasible;

"(3) shall not be entered into unless the property to be conveyed will be sold for at least the equivalent of its fair market value;

"(4) shall not be entered into unless the estimated proceeds from the sale of such property exceeds the amount of the costs set forth in subsection (e);

"(5) shall not be entered into unless the activities intended to be performed in the replacement facilities are substantially similar in character or nature to those performed in the property to be sold; and

"(6) shall not be proposed to the Congress until the Secretary of Defense has first notified the Secretary of the Interior in writing of the proposed sale and the Secretary of the Interior has determined whether the property proposed to be sold is suitable for use as a public park or recreation area. The Secretary of the Interior shall notify the Secretary of Defense in writing of his determination not later than 60 days after his receipt of the notification made by the Secretary of Defense.

"(d) The sale of any real property pursuant to this section shall be conducted by the Administrator of General Services. The Administrator may sell such property upon such credit terms and financial conditions as he and the Secretary of Defense may agree upon. The Administrator shall execute such documents for the transfer of title and take such other actions as he deems necessary and proper to dispose of such property under the provisions of this section. The Administrator shall receive reimbursement for expenses incurred in making such sales in accordance with subsection (e)(1).

"(e) The Secretary of Defense may, to the extent provided for in appropriations Acts, obligate a portion of the proceeds from any sale made under the authority of subsection (b) (including bonded proceeds contracted for in any sales agreement) to pay—

"(1) all expenses incident to such sale;

"(2) the reasonable and necessary costs of land acquisition and the construction of replacement facilities incident to such sale; and

"(3) the reasonable relocation expenses made necessary by the sale.

"(f)(1) Ninety-five percent of the proceeds remaining from any sale made under the au-

thority of subsection (b), after subtracting the applicable costs described in subsection (e), shall be covered into the Treasury.

"(2) Five percent of the proceeds remaining from any sale made under the authority of subsection (b), after subtracting applicable costs described in subsection (e), shall be credited to the management account, which may be used for—

"(A) advances, where necessary to meet expenses of authorized transactions prior to the receipt of proceeds, and

"(B) advanced planning, design, and other expenses related to future proposed transactions.

"(3) Any unobligated moneys in the management account at the end of a fiscal year in excess of \$50,000,000 or in excess of any lesser amount determined by the Secretary of Defense to be sufficient for the purpose of this section, shall be covered into the Treasury.

"(g) The Secretary of Defense and the Administrator of General Services are authorized to issue regulations as appropriate to implement this section."

(b) There are authorized to be appropriated to the Defense Facilities Management Account, for purposes of initial capitalization, such amounts as may be necessary not to exceed \$50 million.

(c) The table of sections at the beginning of subchapter I of chapter 169 of such title is amended by adding at the end thereof the following new item:

"2809. Sale and replacement of real property."

AUTHORITY FOR THE SECRETARY OF THE NAVY TO ACQUIRE LAND FROM THE CITY OF LOS ANGELES, CALIFORNIA

SEC. 278. The Secretary of the Navy may acquire approximately 55 acres of land from the City of Los Angeles at a cost not to exceed \$750,000.

PROHIBITION ON THE ACQUISITION OF ADDITIONAL LANDS AT BRUNSWICK NAVAL AIR STATION

SEC. 279. Notwithstanding any other provision of law, the Secretary of the Navy may not initiate any action after the date of the enactment of this Act, or complete any action commenced before such date, to acquire any land adjacent to or in the vicinity of Brunswick Naval Air Station, Brunswick, Maine, in connection with the Air Installation Compatible Use zone program for such air station without the consent of the owners of the property to be acquired.

TITLE III—DEPARTMENT OF ENERGY MATTERS

PART A—NATIONAL SECURITY PROGRAMS, FISCAL YEAR 1983

OPERATING EXPENSES

SEC. 301. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development program, \$331,760,000 including \$9,660,000 for program management.

(2) For weapons activities, \$2,765,491,000 to be allocated as follows:

(A) For research and development, \$644,600,000.

(B) For weapons testing, \$420,400,000.

(C) For the defense inertial confinement fusion program, \$140,000,000, of which—

(i) \$75,100,000 shall be used for glass laser experiments;

(ii) \$41,800,000 shall be used for gas laser experiments;

(iii) \$20,000,000 shall be used for pulsed power experiments; and

(iv) \$3,100,000 shall be used for supporting research and experiments, except that none of such funds may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for defense inertial confinement fusion experiments and defense inertial confinement fusion systems.

(D) For production and surveillance, \$1,507,200,000.

(E) For weapons program management, \$53,291,000.

(3) For verification and control technology, \$52,400,000 including \$1,800,000 for program management.

(4) For defense nuclear materials production, \$969,100,000, to be allocated as follows:

(A) For uranium enriching, \$109,000,000.

(B) For production reactor operations, \$345,460,000.

(C) For processing of defense nuclear materials, \$210,600,000.

(D) For special isotope separation research, \$63,000,000.

(E) For supporting services, \$227,040,000.

(F) For program management, \$14,000,000.

(5) For defense nuclear waste, \$288,929,000, to be allocated as follows:

(A) For interim waste management, \$190,313,000.

(B) For long term waste management technology, \$53,861,000.

(C) For terminal waste storage, \$14,000,000.

(D) For byproducts beneficial uses, \$10,000,000.

(E) For decontamination and decommissioning, \$12,655,000.

(F) For transportation research and development, \$6,100,000.

(G) For program management, \$2,000,000.

(6) For nuclear materials security and safeguards development program (defense programs), \$43,160,000, including \$5,850,000 for program management.

(7) For security investigations, \$28,500,000.

#### PLANT AND CAPITAL EQUIPMENT

SEC. 302. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows—

(1) For naval reactors development:

Project 83-N-101, general plant projects, various locations, \$1,500,000.

Project 83-N-102, additions to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, \$1,500,000.

Project 82-N-111, Materials Facility, Savannah River, South Carolina, \$40,000,000, for a total project authorization of \$55,000,000.

(2) For weapons activities:

Project 83-D-101, general plant projects, various locations, \$15,800,000.

Project 83-D-122, Los Alamos Airport improvement, Los Alamos National Laboratory, New Mexico, \$3,100,000.

Project 83-D-123, general plant projects, various locations, \$16,300,000.

Project 83-D-124, standard missile-2 (SM-2) warhead production facilities, various locations, \$2,000,000.

Project 83-D-200, plant capacity expansion, Pinellas Plant, St. Petersburg, Florida, \$18,300,000.

Project 82-D-106, weapons assembly facilities, Pantex Plant, Amarillo, Texas, \$16,500,000 for a total project authorization of \$40,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, \$132,900,000, for a total project authorization of \$220,400,000.

Project 82-D-108, nuclear weapons stockpile improvement, various locations, \$27,800,000, for a total project authorization of \$42,800,000.

Project 82-D-109, 155-millimeter artillery-fired atomic projectile (AFAP) production facilities, various locations, \$30,000,000, for a total project authorization of \$65,000,000.

Project 82-D-110, exhaust plenum modifications, Rocky Flats Plant, Colorado, \$500,000, for a total project authorization of \$12,500,000.

Project 82-D-111, interactive graphics system, various locations, \$6,000,000, for a total project authorization of \$15,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, New Mexico, \$3,000,000, for a total project authorization of \$4,200,000.

Project 82-D-146, weapons production and production support facilities, various locations, \$40,000,000, for a total project authorization of \$48,000,000.

Project 82-D-150, weapons material research and development facility, Lawrence Livermore National Laboratory, California, \$5,000,000, for a total project authorization of \$7,500,000.

Project 82-D-152, new detonator facility, Los Alamos National Laboratory, New Mexico, \$9,100,000, for a total project authorization of \$17,100,000.

Project 82-D-153, tritium facility, Los Alamos National Laboratory, New Mexico, \$2,600,000, for a total project authorization of \$7,600,000.

Project 81-D-115, MX warhead production facilities, various locations, \$34,100,000, for a total project authorization of \$74,100,000.

Project 81-D-133, earthquake damage restoration, Lawrence Livermore National Laboratory, Livermore, California, \$1,500,000, for a total project authorization of \$5,500,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, \$1,700,000, for a total project authorization of \$3,700,000.

Project 79-7-c, proton storage ring, Los Alamos National Laboratory, Los Alamos, New Mexico, \$2,800,000, for a total project authorization of \$21,800,000.

Project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee, \$1,500,000, for a total project authorization of \$27,000,000.

(3) For materials production:

Project 83-D-135, general plant projects, various locations, \$26,000,000.

Project 83-D-136, plant engineering and design, various locations, \$2,000,000.

Project 83-D-138, PUREX canyon and dissolver filter systems improvements, Richland, Washington, \$4,250,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$3,500,000.

Project 83-D-146, water pollution control, Feed Materials Production Facility, Fernald, Ohio, \$1,400,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, \$1,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$1,000,000.

Project 83-D-180, facility storage modifications, various locations, \$9,300,000.

Project 82-D-124, restoration of production capabilities, Phases II and III, various locations, \$8,700,000, for a total project authorization of \$134,700,000.

Project 82-D-126, reactor safety and reliability, various locations, \$2,000,000, for a total project authorization of \$44,900,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$6,000,000, for a total project authorization of \$46,000,000.

Project 82-D-201, special plutonium recovery facilities, F-chemical separations area, Savannah River, South Carolina, \$9,000,000, for a total project authorization of \$11,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, \$3,000,000, for a total project authorization of \$11,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, \$19,000,000, for a total project authorization of \$134,000,000.

(4) For defense nuclear waste:

Project 83-D-156, general plant projects, interim waste operations, various locations, \$19,145,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, \$19,000,000.

Project 83-D-159, general plant projects, long-term waste management technology, Savannah River, South Carolina, \$500,000.

Project 82-BU-1, byproducts beneficial uses demonstration plants, various locations, \$10,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, \$1,000,000, for a total project authorization of \$21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$40,000,000, for a total project authorization of \$70,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, \$76,200,000, for a total project authorization of \$233,800,000.

(5) For nuclear materials security and safeguards development:

Project 83-D-175, general plant project, New Brunswick Laboratory, \$500,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, \$11,000,000;

(B) for weapons activities, \$196,000,000;

(C) for verification and control technology, \$1,500,000;

(D) for materials production, \$107,700,000;

(E) for defense nuclear waste, \$31,646,000; and

(F) for nuclear materials security and safeguards development, \$3,700,000.

#### PART B—NATIONAL SECURITY PROGRAMS, FISCAL YEAR 1984

##### OPERATING EXPENSES

SEC. 311. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1984 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces,



strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

- (1) For naval reactors development, \$370,000,000.
- (2) For weapons activities, \$3,133,125,000.
- (3) For verification and control technology, \$65,300,000.
- (4) For materials production, \$1,182,200,000.
- (5) For defense waste and byproducts management, \$318,900,000.
- (6) For nuclear safeguards and security, \$48,000,000.
- (7) For security investigations, \$29,500,000.

#### PLANT AND CAPITAL EQUIPMENT

SEC. 312. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1984 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

- (1) For naval reactors development:
  - Project 84-N-101, general plant projects, various locations, \$2,500,000.
  - Project 83-N-102, addition to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, \$6,500,000, for a total project authorization of \$8,000,000.
  - Project 82-N-111, materials facility, Savannah River, South Carolina, \$70,000,000, for a total project authorization of \$125,000,000.
  - Project 81-T-112, modifications and additions to prototype facilities, various locations, \$1,000,000, for a total authorization of \$104,000,000.
- (2) For weapons activities:
  - Project 84-D-101, general plant projects, various locations, \$27,100,000.
  - Project 84-D-111, general plant projects, various locations, \$25,000,000.
  - Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$600,000.
  - Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$700,000.
  - Project 84-D-107, nuclear testing facilities revitalization, various locations, \$38,500,000.
  - Project 84-D-112, TRIDENT II warhead production facilities, various locations, \$19,300,000.
  - Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, \$24,100,000.
  - Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, \$1,500,000.
  - Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, \$1,500,000.
  - Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, \$7,000,000.
  - Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, \$800,000.
  - Project 84-D-120, explosive component test facility, Mound Facility, Miamisburg, Ohio, \$3,100,000.
  - Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, \$10,000,000.
  - Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, \$209,200,000,

for a total project authorization of \$429,600,000.

Project 82-D-108, nuclear weapons stockpile improvement, various locations, \$4,000,000, for a total project authorization of \$46,800,000.

Project 82-D-111, interactive graphics systems, various locations, \$10,600,000, for a total project authorization of \$19,600,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$8,000,000, for a total project authorization of \$12,200,000.

Project 82-D-146, weapons production and production support facilities, various locations, \$14,200,000, for a total project authorization of \$62,200,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,900,000, for a total project authorization of \$10,400,000.

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, Albuquerque, New Mexico, \$5,400,000, for a total project authorization of \$42,150,000.

Project 81-D-115, Missile X warhead production facilities, various locations, \$30,000,000, for a total project authorization of \$104,100,000.

(3) For materials production:

Project 84-D-125, general plant projects, various locations, \$28,000,000.

Project 84-D-126, plant engineering and design, various locations, \$2,000,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, \$5,600,000.

Project 83-D-138, PUREX filter systems improvements, Richland, Washington, \$8,500,000, for a total project authorization of \$12,750,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$4,100,000, for a total project authorization of \$7,600,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, \$4,000,000, for a total project authorization of \$5,400,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, \$2,000,000, for a total project authorization of \$3,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$3,000,000, for a total project authorization of \$4,000,000.

Project 82-D-118, N plant security and surveillance, Richland, Washington, \$400,000, for a total project authorization of \$4,400,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, and IV, various locations, \$103,600,000, for a total project authorization of \$238,300,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$6,000,000, for a total project authorization of \$46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, \$26,000,000, for a total project authorization of \$37,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, \$7,400,000, for a total project authorization of \$18,400,000.

(4) For defense waste and byproducts management:

Project 84-D-150, general plant projects, interim waste operations and long-term

waste management technology, various locations, \$25,830,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, \$31,000,000, for a total project authorization of \$50,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, \$1,000,000 for a total project authorization of \$21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$142,000,000, for a total project authorization of \$212,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, \$109,700,000, for a total project authorization of \$343,500,000.

(5) For capital equipment not related to construction—

(A) for naval reactors development, \$19,000,000;

(B) for weapons activities, \$222,600,000;

(C) for verification and control technology, \$1,750,000;

(D) for materials production, \$97,500,000;

(E) for defense waste and byproducts management, \$31,900,000; and

(F) for nuclear safeguards and security, \$4,000,000.

#### PART C—GENERAL PROVISIONS

##### REPROGRAMING

SEC. 321. (a) Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this title may be used for any program in excess of 105 percent of the amount authorized for that program by this title or \$10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress, unless a period of thirty calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this part referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

##### LIMITS ON GENERAL PLANT PROJECTS

SEC. 322. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated costs of the construction project does not exceed \$1,000,000.

(b) If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this title exceed the total amount authorized to be appropriated for such projects by this title.

#### LIMITS ON CONSTRUCTION PROJECTS

SEC. 323. (a) Whenever the current estimated cost of a construction project which is authorized by section 302 or section 312 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

#### FUND TRANSFER AUTHORITY

SEC. 324. To the extent specified in appropriation Acts, funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

#### AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 325. (a)(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least thirty days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

#### AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 326. In addition to the advance planning and construction design authorized by section 302 or 312, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

#### FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 327. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

#### ADJUSTMENTS FOR PAY INCREASES

SEC. 328. Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

#### AVAILABILITY OF FUNDS

SEC. 329. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

#### NAVAL NUCLEAR PROPULSION PROGRAM

SEC. 330. The provisions of Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, as in effect on May 1, 1982, shall remain in effect until such time as the Congress provides otherwise by law.

#### TERMINATION OF USE OF CERTAIN SEEPAGE BASINS; REQUIREMENT FOR PLAN

SEC. 331. The Secretary of Energy shall terminate the use of seepage basins associated with the fuel fabrication area within 24 months after the date of enactment of this Act.

(b) Not later than January 1, 1984, the Secretary of Energy shall submit a plan to the appropriate committees of Congress for the protection of groundwater at the Savannah River Plant. The Secretary shall include in such plan—

(1) various methods for discontinuing the use of seepage basins associated with the materials processing areas;

(2) provide for the implementation of other actions appropriate to mitigate any significant adverse effects of on-site or off-site groundwater and of chemical contaminants in seepage basins and adjacent areas, including the removal of such contaminants where necessary; and

(3) include provisions for continuing the expanded monitoring program of groundwater impacts involving the appropriate South Carolina agencies in accordance with the statutory responsibilities of such agencies.

#### CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

SEC. 332. (a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury or loss of property or personal injury or death shall apply to any civil action for injury or loss of property or personal injury or death due to exposure to radiation based on acts or omissions by a contractor in carrying out a contract in the conduct of the United States atomic weapons testing program. This remedy shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of such a contractor shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any such civil action or proceeding and the civil action or proceeding shall

proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

(b) A contractor against whom a civil action or proceeding described in subsection (a) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(c) The provisions of this section shall apply to any action now pending or hereafter commenced which is an action within the provisions of subsection (a) of this section. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding pending on the date of enactment of this section is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or 2 years from the date upon which the claim accrued, whichever is later, to file an administrative claim and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28.

(d) For purposes of this section, "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). "Contractor" also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or its predecessor agencies).

#### MOTION TO WAIVE SECTION 402 OF CONGRESSIONAL BUDGET ACT OF 1974

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BAKER. Mr. President, I have been informed by the distinguished Senator from Ohio that he may have certain concerns that might ripen into a point of order against this measure. I regret to hear that, because I had thought that we had arranged a schedule that would permit us to proceed on this measure and to deal with it in an orderly way, which, at best, is going to be sort of disorderly, since it is so controversial, and to finish the measure this week. I still intend, to the extent that the Senate will permit me to do so, to finish this bill this week. It may take late evenings, it may



take all week, it may take the week-end; but, Mr. President, there are so many other matters backed up behind this bill that we simply have to do that. Appropriations bills must be attended to, urgent authorization bills must be dealt with in this month, before the statutory recess begins for the month of August.

Therefore, Mr. President, as the distinguished Senator from Ohio already knows, because I have already told him, what I intend to do, in an effort to avoid any pitfalls that might be occasioned by points of order on the measure, I now move, pursuant to section 904 of the Congressional Budget Act of 1974, to waive section 402 of that act as it pertains to S. 675, the Defense Authorization Act.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. METZENBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, we appear here this afternoon to discuss the defense authorization bill, and the motion of the distinguished majority leader under section 904 to waive section 402 of the Budget Act raises some very interesting questions. The one that particularly concerns the Senator from Ohio has to do with the fact that, in the closing hours of the deliberation of the measure in committee, it is my understanding that through some legerdemain—

Mr. TOWER. Will the Senator yield? The Senator is absolutely wrong on that point.

Mr. METZENBAUM. Mr. President, I have not yielded. I have the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has the floor.

Mr. TOWER. Mr. President, will the Senator give his source of information on that, since it is totally inaccurate?

Mr. METZENBAUM. In due time, Mr. President, I intend to engage in colloquy with my good friend from Texas. It is my hope that, at that time, we shall all be informed as to the facts.

I am aware of the fact that published reports indicate that Mr. Stockman found something in the area of \$2.1 or \$2.3 billion as this measure was being brought to a conclusion in the final markup. I also heard the distinguished senior Senator from Massachusetts address himself to that very same issue the other day on the floor of the Senate before the recess.

I would appreciate it if the Senator from Texas, the manager of the bill, would be good enough to advise of the facts as he knows them and understands them to be with respect to the figure and also to clarify for the Sena-

tor from Ohio whether it is \$2.1 billion or \$2.3 billion about which we speak. Will the Senator from Texas be good enough?

Mr. TOWER. Mr. President, let me respond to the Senator from Ohio. I simply read from the opening statement that I intended to make and will make subsequently when we move on to consideration of the bill, to lay this matter to rest.

It is not true that the issue of savings of purchase from reduced inflation in the area was brought out only at the last minute. The committee records show this issue was raised before the full committee in early May, May 5 to be precise, and that uncertainty about the proper numbers to be used forced postponement of any committee endorsement. Letters from Secretary Weinberger dated May 9 and June 16 alluded to the availability of those savings. It was not until those savings were validated that we acted to consider those savings in the final determination of what would be spent and what would be authorized in the bill. I insisted on such validation, the committee insisted on it and, by a vote of 11 to 7, the committee voted to accept the validations of these changed assumptions and to incorporate some of those savings in the authorization—not all, but some.

So that is the fact of the matter. In fact, inflationary adjustments had been made for every other spending function except defense back in April. So we were caught up in that delay. It finally came to the point where, late in our proceedings, we were finally treated as every other committee had been treated, or every other jurisdictional committee with the spending or with the authorization responsibility of the various accounts. We were able, then, to move on the basis of those changed assumptions.

However, that is an issue, in my view, that would be more properly discussed during the consideration of the bill itself.

Senators will have adequate opportunity to offer amendments and there will be adequate opportunity to debate that particular issue if Senators would like to do so. But what we are talking about is a pro forma move, pro forma budget waiver resolution that is done every time we take up an authorization bill after May 15. The fact is that the Armed Services Committee waited until after the budget process on the first concurrent had been completed before it did its work. Had we gone ahead and ignored the budget process, which we could have done, and reported our bill by May 15, which we could have done, the budget waiver would not have been required. I hope that other Senators will not join in an effort to punish the Armed Services Committee—indeed, punish all committees that have bills that are coming

up subsequent to the disposition of this bill—because we, true to the budget process, desirous of determining what our ceiling was, according to the budget process, acted in that fashion to be responsible and come in under the budget ceiling and therefore were delayed.

Mr. JACKSON. Will the Senator yield without losing his right to the floor?

Mr. METZENBAUM. I yield to the Senator.

Mr. JACKSON. Mr. President, I merely want to supplement the remarks of the distinguished chairman of the committee. I want to say for the benefit of the Senate, Senator TOWER made a diligent effort to get the necessary figures pertaining to savings that the administration is now projecting in the petroleum area as well as the overall inflation indexes. I kept in touch with Senator TOWER. The person that I think should have acted is Mr. Stockman, the head of OMB. That information should have been up a long time ago.

But the chairman of the committee pursued this matter diligently; he made every effort to get the information, but for whatever reason the administration did not make the information available in a timely manner.

Mr. METZENBAUM. Will the Senator from Washington yield for a question?

Mr. JACKSON. Yes.

Mr. METZENBAUM. Would the Senator not agree then that, although some effort was made to get these numbers earlier, indeed, public statements have been made in the press and a statement made on the floor of the Senate by the senior Senator from Massachusetts to the effect that only at the last minute was it discovered or was it learned in the Armed Services Committee that Mr. Stockman had now found—I am not sure of the number—is it \$2.1 billion or \$2.3 billion?

Mr. JACKSON. What is the exact number?

Mr. TOWER. The figure actually is \$3.4 billion including the fuel savings and the 2.1 on changes of inflationary assumptions which are still about \$0.4 billion below what they actually expect those assumptions will be at the end of the second quarter. We stayed very much on the low side of these assumptions and did not utilize the full 2.1.

Mr. METZENBAUM. Will the Senator from Texas respond as to when it was that the committee actually learned there would be \$3.4 billion in savings including the 2.1 in the inflation figure?

Mr. TOWER. The committee discussed that on May 5 first. We were aware of the numbers but they had

not been validated by Mr. Stockman at that time.

Now, I cannot give any explanation of what goes on in OMB; I am at a loss to know myself sometimes, but the fact is that those numbers were not validated for us until the evening of May 27. Then they were discussed in the committee, and by a bipartisan vote of 11 to 7 the committee agreed to incorporate some of the savings involved in funding the programs under the bill. The committee still comes out \$1.7 billion below the budget ceiling if one considers that there will be a 6-month pay increase. If one considers that there will be a 9-month pay increase, we come out \$1.1 billion below. So we would still be below even if we have to absorb an additional \$600 million in pay increase.

Mr. METZENBAUM. Would the Senator, the manager of the bill, indicate whether or not after the figures had been disclosed to him, as the chairman of the Armed Services Committee, that there would be a \$3.4 billion saving, although a figure that had not as yet been validated—and I assure that to mean that it had not been—

Mr. TOWER. Let me say in response that the fuel savings had already been validated. It was the inflationary assumptions that had not been validated. So it was a \$2.1 billion change in inflationary assumptions that had not been validated.

Mr. METZENBAUM. Did the Senator from Texas advise the chairman of the Senate Budget Committee at any point along the way while the Budget Committee was going through its deliberations that it could anticipate a savings in the area of either 2.1 or 3.4 and, if so, when did that occur and under what circumstances?

Mr. TOWER. The Budget Committee does not look behind what the authorizing committee does if it stays within the ceiling established by the Budget Committee. Historically, not only this year but last year, we took savings that were achieved through changed fuel assumptions, changed inflationary assumptions, and changed international monetary exchange assumptions and utilized that in funding our programs, staying within the budget ceiling. That is what we have done this time. We have come in below the budget ceiling.

Mr. DOMENICI. Will the Senator yield?

Mr. METZENBAUM. I yield to the Senator from New Mexico, the distinguished chairman of the Budget Committee.

Mr. DOMENICI. Let me say to my good friend from Ohio that in an ordinary authorizing bill, the Budget Committee has very little to say about what a committee has done other than one very simple issue. That has to do with the timeliness of bringing the authorization to the floor. A clear read-

ing of the Budget Act indicates that the time that spending targets are addressed, and whether or not a particular subcommittee or function is going to exceed the targets set out in budget resolution is when the appropriations bills are considered on the floor.

We have gone to a great deal of effort, working with the Armed Services Committee, to determine where this bill lies with reference to the budget but only in an informational sense—not in the sense of the Budget Committee having any jurisdiction whatsoever over the substance or the amount of line items.

Let me give my friend from Ohio an example. Had this particular authorization bill come up prior to the May 23 filing deadline, it could have been \$5 billion over an assumed target for 1984 expenditures, with the same numbers and the same deflators, and no point of order would lie. The Senate Budget Committee would have nothing whatsoever to say about it. The Senate and the Congress would have to wait until the appropriations bills came through, add them up, and judge them on the cumulative total for appropriations versus the target for the cumulative total in the resolution.

Now, it seems to me—and I say this in all deference to the concern of the Senator—that in a sense we are going to punish a committee that has worked very hard because they did not want to report out a bill that was higher than the recommended Budget Committee targets.

So they waited because the targets being discussed for defense varied from 5-percent real growth to 10-percent real growth to 2.8-percent real growth.

So this committee said: "We will wait, and we will attempt to live with the numbers the budget process produces."

This particular bill, I say to the Senator from Ohio, is the closest to a budget target for an authorization committee that we have had in 3 years. The Senate approved an authorization bill in excess of the targets last year, on the simple basis that the appropriators would make the remaining reductions.

This committee, the last 3 years—the last year under the chairmanship of Senator STENNIS and then 2 years under the chairmanship of Senator TOWER—tried very hard to have an authorizing bill on time each year.

We have had many years with late authorization bills, have we not?

Mr. JACKSON. That is right.

Mr. DOMENICI. We have had years without a timely authorizing bill in defense, or one that fit within the budget targets.

So they tried hard to produce a bill in accordance with the budget resolution targets.

If I am going to come down here, as chairman of the Budget Committee, on each authorization bill that is a few days late, such as this one, and put the Senate through some rigorous exercise to waive 402 of the Budget Act—which if you read it, it is nothing more than timeliness provision, and has nothing to do with dollar amounts; it will impede the progress of the Senate. Our business at this time is not to discuss the bill, but to vote the section 402 waiver up or down.

The 402 provision was put in the law with the expectation that it would push the authorizing committees to expedite delivery to the desk of authorizing legislation and lead to a more orderly appropriations process.

I have the greatest respect for the participation of the Senator from Ohio in the budget process, especially in the recent conference, but I think he should let the Senate work its will on this bill. If we have to call a meeting of the Budget Committee to discuss the waiver of the timeliness bill, it will cause delay. We as a committee want to let this bill come to the floor whether it was reported after May 23 or not. That is the budget issue. We could call that meeting, and in due course, we would get it done. But it seems to me that that would be an inordinate delay for no good, substantive reason.

My final statement to the distinguished Senator is that even if we wanted to scrutinize the authorized spending in this particular bill, as if it were an appropriation bill, and to say it does fit within the budget—that is not our prerogative—I assure the Senator it is not the Budget Committee's prerogative—but even if we did make that companion, I am informed that, if fully appropriated, this bill is \$800 million under the budget authority target set for defense in the first budget resolution. That target is not binding. It becomes binding only in its cumulative nature, along with all other appropriations, and only after October 1, 1983. In the event there is not a second resolution. At that time, you add all the appropriations bills and the one that "breaks the bank" on cumulative budget authority and realistic outlay expectation flowing from it, would be the subject of a substantive complaint from the Budget Committee.

So, while I may not like some things in this bill and the Senator from Ohio may not, I assure him that we are going to have ample chance on the floor of the Senate in the ensuing week to vote up and down on amendments. I assume that the managers are aware of many amendments to be offered by members of the committee and by other Members of the Senate to give us an opportunity to address the policy issues that are authorized in this bill.



Obviously, the leader is well within his rights to move a section 904 waiver of the process and procedures I have just described. When he asked me about it this morning, around 11:30, when I conferred with him, I did not even consider it to be a very significant waiver, because it is a matter of timeliness only.

We will argue the substance of issues later. In due course, we will grant this waiver one way or another. We can vote up or down on the leader's motion; or, the Budget Committee can meet and grant the waiver. I assure the Senator that it is going to be done. Then, when S. 675 comes up, he can have all the time in the world to argue.

I assume that the managers expect to be here 4 or 5 days. I ask the Senator from Texas if that is correct.

Mr. TOWER. As long as it takes.

Mr. DOMENICI. Even in addition to the days it might take to debate this motion, which our distinguished leader stated.

So those are my feelings on the matter, as chairman of the Budget Committee. I have not been reluctant to speak out on defense, so I do not come here as a Johnny-come-lately. I have had an ongoing dialog, to say the least, with the White House over it. But I commend the committee for reporting an authorization bill and for getting it well within the budget authority that the congressional budget resolution contemplates. The Armed Services Committee action on this bill is nothing other than an exercise in prudence. It has no direct interplay with Budget Act activities.

The Budget Committee has no prerogatives in this matter, and the Senate is not waiving anything significant if it grants the leader's motion that relates only to the time this bill will come to the floor; nothing more.

I have a summary of the spending in this bill, in case we are going to be arguing whether they met the resolution targets or not. I ask unanimous consent to have the summary printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

#### BUDGETARY IMPACT AND RELATION TO FIRST BUDGET RESOLUTION

Because the First Budget Resolution does not contain defense program detail, it is necessary to measure the costs of this bill against the President's defense request (as reestimated by CBO). To measure the savings in the bill against the budget resolution total, it is then necessary to adjust the President's budget request to include the cost of the pay raise as assumed in the Budget Resolution (since the President assumed no pay raise for FY 1984). These calculations yield the following result.

	Fiscal year 1984	
	Budget authority	Outlays (estimated)
President's budget request for function 050 (as reestimated by CBO)	280.2	244.7
Add pay raise assumption of first budget resolution	1.8	1.8
President's adjusted request	282.1	246.5
Savings from President's request contained in this bill <sup>1</sup>	-14.2	-5.6
OMB inflation adjustment	(-3.4)	(-2.3)
Total implied by this bill	267.8	240.9
First budget resolution total	268.6	240.0
Total implied by this bill over (+) or under (-) resolution	-.8	+.9

<sup>1</sup> This amount excludes the provisions of this bill dealing with the pay raise because the pay raise issue will be decided by other legislation.

Thus it can be determined that if the pay raise that is granted in FY 1984 is the same as assumed in the first budget resolution, the effect of this bill is to put budget authority for function 050 \$0.8 billion below the first budget resolution and to put outlays \$0.9 billion above the level of the resolution. If the President is able to sustain his proposal for a pay freeze in FY 1984, however, the resolution would be upheld without additional reductions in the defense and military construction Appropriation bills.

(Mr. HUMPHREY assumed the chair.)

Mr. METZENBAUM. Mr. President, I am pleased that the distinguished chairman of the Budget Committee, my good friend, is on the floor.

I point out to him that I well understand the question of timeliness and the issue that is before the Senate. It seemed to me that this was an appropriate time to raise some of the budgetary considerations, not particularly as a member of the Budget Committee but as a Member of this body.

One that I raise has to do with a fact that has been discussed, and I will come to that in a moment. But there is another matter that, in my opinion, is far more important than even the question of Mr. Stockman's finding \$2.1 billion at the very last moment.

Although my friend from Texas indicates that it had been considered, it is the fact that it was reported in the press that "The Reagan administration abruptly announced yesterday that its defense program will cost \$2.1 billion less next year than estimated before. The surprise reestimate enabled the Senate Armed Services Committee to stick close to congressional spending targets without cutting out some B-1 bomber funds, as it had planned."

The article goes on.

I point out that there is a part of this bill that, in my opinion, does have real budgetary implications, and I hope that the distinguished chairman of the Budget Committee will appreciate what I am about to say.

Some weeks ago, we discussed on the floor of the Senate the matter of the leasing of 13 TAKX ships and the fact that the leasing of those ships was done without the matter going

through the Appropriations Committee; that the funds in connection with those ships were not a part of the budgetary consideration; that the funds for those ships come out of operation and maintenance accounts, and thereby deprive the ground forces and the regular forces of the necessary funds for either personnel or materiel.

And there was a considerable amount of discussion concerning the 13 TAKX ships, and then we learned that there were five tankers that were also involved.

I wish to point out to my good friend, the chairman of the Budget Committee, and I would appreciate it if I might have the attention of my friend, the chairman of the Budget Committee, to point out to him that we find in this bill now a total sieve-like movement. Not only do we have those ships involved but we have a half-dozen other items, airplanes, other ships, I think 18 of them—I do not have the list in front of me—certain planes that are used especially for ferrying top military brass and ambassadorial-level diplomats, and a number of others that now will be provided for in this legislation.

What we are talking about is are we going to be using a backdoor route to go around the budget process? Are we going to be using as a regularity the whole question of the tax provisions of the U.S. Government and take from the Federal Treasury dollars that come from these tax-leasing arrangements, or are we going to use the normal processes of going to the proper appropriations committee and saying, "This is what we want as far as military equipment is concerned?"

This bill goes much farther than anyone contemplated or even talked about in the past with respect to this entire matter of leasing, and it is a question of congressional prerogatives.

We normally send to the Appropriations Committee matters having to do with the Armed Services appropriations bill. Here we have in the authorization bill a circuitous route, a different way to operate, without any appropriations authority, and what we are doing is first, we are breaking the budget process, second, we are providing for increased defense spending, and, third, we are getting involved in the whole question of the leasing programs and what they do as far as the tax dollars of this country are concerned.

So when I raise the question here this afternoon about the budget waiver and the timeliness it has to do with the implications of all of these other matters. I am even told that they are coming forward with a technical amendment. And I would appreciate it if the distinguished chairman of the committee would advise me. Am I correct that there is to be offered a

so-called technical amendment, the language of which will provide that the 13 TAKX planes-leasing program is being validated, and that is to be offered as a technical amendment?

That is what I am informed by my staff who tell me they were so informed by the Senator's staff. And if that is the case, I do not think any Member of this Senate would consider that to be a technical amendment.

Would the Senator from Texas be good enough to respond because if I am in error as to the facts I wish to be corrected.

Mr. TOWER. I quite frankly do not understand the question of the Senator from Ohio. The fact is that is a substantive issue that has nothing to do with the timelines of the bill and the budget waiver.

If the Senator would permit us to get on with our business we could plunge right into that if he likes. Once we get the bill up, there is adequate opportunity for anyone in the Chamber, including the Senator from Ohio, to offer any amendment that would change or delete or add to any provision of this bill. He is not barred from doing that. Because of our relatively loose rules of germaneness in this body, a Senator can offer about anything he wishes to offer.

The fact is the Senator's suggestion that there is some surreptitious back-door method being resorted to in this bill is simply not true, and I think that will come out in subsequent debate once we get started on the bill.

Mr. METZENBAUM. Would the Senator from Texas be good enough to respond as to whether it is intended to offer a technical amendment that would by its terms validate the leasing of the 13 TAKX planes?

Mr. TOWER. The amendment I believe the Senator refers to is a stylistic change.

Mr. METZENBAUM. What?

Mr. TOWER. A stylistic change. We do not even have to offer it if we do not wish to. It was recommended to us by legislative counsel. But we do not even have to offer it. It is a stylistic change.

Mr. METZENBAUM. I understand. Is it intended to offer that amendment as a technical amendment? I think I agree with the Senator's first statement that is a substantive change.

Mr. TOWER. It is intended to be offered. As I say, it is a stylistic rather than substantive change, but if it is offered, of course, the Senator is fully within his rights in insisting on debate on it and getting a yea-and-nay vote on it.

Mr. METZENBAUM. Would the Senator from Texas be good enough to explain to the Senator from Ohio what a stylistic change is? I understand what a technical amendment is. I am not sure I know what a stylistic change is.

Mr. TOWER. I think that it is conforming language that is simply a matter of style and that has nothing to do with substance. But I think that this is a matter we should really get into once we get on the bill.

If the Senator wants to talk about the merits of delaying the waiver, the timeliness, I would think that is the appropriate thing to talk about now. I would prefer to wait and not get into substantive matters until we get on the bill itself because I think we are getting into a lot of repetition otherwise. I am sure the Senator will want to offer amendments on these various subjects. It seems to me to be time wasted to be getting substantive arguments that are going to be repeated during the course of the consideration of the bill itself.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER and Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I yield to the Senator from Ohio for a record insertion with the understanding that I not lose my right to the floor.

Mr. METZENBAUM. Mr. President, I want to say that in the discussion we were having, I will withhold further on it in order that the managers of the bill may make their opening statements, with the thought in mind of returning to the subject at a later point in the afternoon. I yield to the Senator from Texas.

Mr. TOWER. Mr. President, the fiscal year 1984 omnibus defense authorization bill, S. 675, is one of the largest authorization bills that will be considered during the 98th Congress. During the past 6 months the Senate Armed Services Committee and its six subcommittees have met 46 times in consideration of this bill. S. 675 contains authorizations totaling \$199.9 billion—it sounds like a bargain price, Mr. President, you will notice it is under \$200 billion—includes what had previously been three separate pieces of legislation. The committee concluded that we would have a broader perspective of the entire national defense function by addressing this legislation at the same time rather than as individual bills. This is a departure from usual practice.

Title I of the bill includes the regular defense authorizations for procurement, research and development, operation and maintenance, manpower,

and civil defense. Under title I the committee recommended \$186 billion, a reduction of \$11.9 billion for the request.

Title II contains the authorizations for military construction and family housing. Under title II, the committee recommended \$7.3 billion, a reduction of \$1.2 billion from the request.

Title III contains the authorizations for the national security programs of the Department of Energy. Here the committee recommended \$6.6 billion, a reduction of \$200 million from the request.

In addition to the reductions listed above, manpower changes and other legislative restrictions will reduce the administration's request by \$215 million.

The net impact of the bill, therefore, is a reduction of \$13.6 billion in budget authority from the President's request for national defense.

The first concurrent budget resolution for fiscal year 1984 called for a reduction of \$11.9 billion in budget authority, so we are \$1.7 billion beyond that target.

The budget resolution also called for reductions totaling \$5.3 billion in outlays from the President's request. However, both the chairman and ranking member of the Budget Committee have acknowledged that, within a package of balanced defense reductions, \$11.9 billion in budget authority will not yield \$5.3 billion in outlays. In presenting the conference report on the budget before the Senate, Senators DOMENICI and CHILES noted that a reduction of \$11.9 billion in budget authority would more likely equate to a reduction of \$4 billion in outlays. CBO estimates that the recommended \$13.6 billion budget authority reduction in this bill will reduce outlays by \$3.6 billion below the President's request in fiscal year 1984.

While considering the President's request for defense, the committee took into account the most recent estimates of ongoing economic trends and their effect on the defense budget. In this regard, Mr. President, there have been several erroneous reports concerning the sources of savings assumed in this bill for fuel and purchase inflation.

First, it is not true that the issue of savings from purchase inflation in this area was brought up only at the last minute in our markup. The committee records show that this issue was raised before the full committee in early May, but that uncertainty about the proper numbers to be used forced postponement of any committee endorsement. Indeed, letters from Secretary Weinberger, dated May 9 and June 16, alluded to the availability of such savings.

Second, it has been implied that these numbers were drawn up to save the multiyear funding for the B-1,



which had been deleted at the subcommittee level. This assertion is also incorrect. The amount at issue with regard to the B-1 was less than \$900 million, while changed economic forecasts involved \$3.4 billion. In addition, having polled most of the committee membership personally, I can assure my colleagues that the votes were there to add back multiyear funding for the B-1, regardless of what action the committee might have taken concerning economic assumptions.

I might note that two or three Senators were at work identifying other programs where savings could be achieved so that multiyear funding of the B-1 can be authorized by the committee.

There has also been concern that these economic adjustments appeared out of thin air, and that other Federal agencies or congressional committees should now await some similar budget adjustment. The real situation is precisely the reverse. In April, the administration published an economic update for the Federal Government which outlined the impact of changing economic trends on the fiscal year 1984 budget request. However, the April economic update contained no adjusted numbers for national defense. It was not until late June that the Office of Management and Budget and the Department of Defense resolved their differences and arrived at an administration position approved by the President. So, in fact, the economic changes in this bill are only a reflection of the April update which has already been applied to other Federal agencies.

Finally, Mr. President, I would like to summarize the scope of the reductions in this bill. In my view, it is essential that Senators understand three things when they vote on this bill:

First, reductions are widespread. When you cut the defense budget by nearly \$14 billion, virtually all areas are going to experience reductions. There are few, if any, areas which are considered sacrosanct in this bill;

Second, we are losing—or at least postponing—real military capabilities when we cut defense. In this bill, we have suspended the production of three programs—the A-6E and T-34C aircraft, and the Copperhead guided projectile—and eliminated funding for more than two dozen aircraft and 120 tanks; and

Third, and I want to make this point crystal clear—these funding reductions will cause us to take a giant step backward from our goal of finally injecting stability in defense procurement. These reductions are certain to result in increased unit costs. Because of budget constraints we have denied multiyear funding for eight programs, programs for which we are certain to have long-term requirements. While accusing the Department of Defense

of a multitude of inefficiencies, the Congress—with what in my view is a shortsighted and unjustified call for defense budget reductions—must bear the blame for funding instability which causes so much of the cost growth in defense programs. In denying multiyear procurements, we are declaring that we cannot afford to invest money up-front to save money in the long term.

Mr. President, I voted against the conference report on the budget in part because I believed the reductions targeted for defense are too high. In reducing the President's request for defense by this magnitude, I believe we are reneging on the defense program Congress approved in 1981, and we are surely sanctioning many of the inefficiencies in procurement so many critics have cited.

Because it is the apparent will of the majority of the Congress, the committee has agreed to abide by the ceilings proposed in the budget resolution. I, for one, will do everything in my power to see that other committees exercise the same degree of self-discipline on funding nondefense programs.

Mr. President, because of these congressionally mandated defense budget reductions the committee, in its effort to comply with the apparent will of Congress, is compelled to recommend funding reductions in validated military programs which are bound to result in layoffs—thus compounding an already unacceptable unemployment situation in this country.

Now, Mr. President, I am prepared to yield to the ranking minority member, Senator JACKSON, for any statement he may wish to make. I would also encourage Members to introduce their amendments as soon as possible as it is my intention to complete action on this bill by Wednesday evening.

However, Mr. President, before I yield the floor I would be remiss if I did not express my heartfelt thanks, and I think the thanks of all of us on the majority side of the committee, to Senator JACKSON for his great statesmanship, his cooperation, in moving the bill expeditiously, for his good and wise counsel.

He is, I think, an extremely valued member of our committee. He is a very senior member. I have learned much at his feet in the years that I have had the privilege of serving on the committee. I have worked with him on many defense issues and always am glad to be his coworker. He has done a champion job, and I want to thank him too for his lucid remarks on the committee's action in response to some questions by Senator METZENBAUM.

With that, Mr. President, I will yield the floor for the opening remarks of the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I thank my good friend, the senior Senator from Texas, for his kind remarks.

Mr. President, as we begin deliberations on the fiscal year 1984 Defense Authorization Act, I would like to take a moment to commend Senator TOWER for the outstanding leadership he has displayed as chairman of the Committee on Armed Services. His dedication in shepherding the bill that is before us through the committee has been truly admirable. The distinguished Senator from Texas is a fair-minded individual whose devotion to the national interest and abilities as a leader have helped make our very difficult deliberations a truly bipartisan endeavor. I have immensely enjoyed working with him and with my other colleagues on the committee, all of whom have spent long hours laboring over this bill. I would also like to commend the entire staff of the committee for the high professionalism of their work.

Mr. President, a strong, capable, and vigorous national defense is absolutely essential at this juncture in our history. We have enjoyed independence and prosperity as a nation for the past 207 years, but these favorable conditions will not automatically continue without persistent effort on our part. On the other hand, if we make that effort, our Nation will remain a positive force in the world for peace, stability, and individual freedoms.

A troubled world looks to the United States for leadership and direction, perhaps more now than ever in our history. A strong and resolute United States acts as a powerful beacon and example to all nations, providing encouragement to forces of liberty and democracy in every corner of the Earth. The will and confidence of our allies, in particular, rests heavily on their perceptions of our own resolve and strength. This is one reason it is so essential that we maintain a vigorous national defense.

Another reason is the simple fact that the world we live in can be a dangerous place. It is a world that poses real threats to our survival and prosperity as a nation. The greatest threat that the United States now faces is that posed by the Soviet Union. The Soviets have massively expanded their military forces in the past two decades, posing an increasingly serious and direct threat to the United States and its allies. Over the same period, Moscow has stepped up its worldwide support of radical, anti-American regimes and groups throughout the world; the resulting conflict and upheaval threaten our well-being and require our attention. Nevertheless, if we do what is necessary to maintain

our strength, we need not fear our adversary.

Mr. President, the Department of Defense authorization bill before the Senate today, S. 675, is intended to provide the necessary means for safeguarding our Nation's security. The bill authorizes roughly \$200 billion for procurement, research, operations, and other essential activities of our Armed Forces.

The Committee on Armed Services has worked on this legislation with full awareness of the severe budgetary constraints that the Nation now faces. Budgetary constraints have not allowed us to fund every program that might be desirable. They have not prevented us, however, from authorizing that which is essential. By keeping its priorities clear, the committee has managed to make necessary cuts in the President's budget request so as to meet the target set by the first concurrent budget resolution. In so doing, the committee has demonstrated its fiscal responsibility, while yet assuring that the security of our Nation can be maintained.

Three basic principles have guided my work and that of many of my colleagues on the committee in reviewing the administration's proposed defense budget for fiscal year 1984 and in recommending reductions in or additions to that budget.

#### DETERRENCE

First, we recognize the imperative of maintaining a credible deterrent. The United States and its allies must retain military forces in various categories sufficient to deter aggression from any quarter. The credibility of our strength and the steadiness of our hand are essential facts both in preventing war and in enabling the United States to undertake positive foreign policy initiatives. I would also remind my colleagues that our principal adversary, the Soviet Union, has a history stretching back into czarist time of avoiding risk and backing down in the face of military strength and political will.

Numerous U.S. defense efforts and programs contribute to the maintenance of allied military forces able to deter aggression. It is important that a proper balance be struck among them. High on our list of priorities in this regard has been the readiness of our present Armed Forces. It is important that current readiness not be sacrificed in the process of procuring new and more modern weapons.

Maintaining deterrence requires, furthermore, that research and development be pursued vigorously, both at a basic and at an applied level. Financing current procurement programs at the expense of essential R&D would be robbing from our future deterrent. This we simply must not do.

Yet another essential element in maintaining deterrence is the ongoing

modernization of our force structure. Once current readiness and crucial research and development programs have been funded, it is important that modernization through new procurement be attended to. Deterrence a few years hence will rely heavily on new weapons systems going into production today.

#### ARMS CONTROL

Mr. President, the second fundamental principle that has guided my own work and that of many of my colleagues has been the crucial importance of providing our national leadership with the means and leverage to pursue sensible arms control negotiations. This requires among other things that the triad of our strategic forces be maintained and that its three legs be modernized.

It requires, moreover, that we do not allow our adversary to build highly destructive new weapons systems to which we have no counter. In instances where the Soviet Union has unilaterally deployed massive numbers of new weapons—such as the SS-20's that now threaten Western Europe—we may be forced to fund and deploy countervailing systems, even as we pursue arms control negotiations intended to make such counterdeployments unnecessary.

In other words, even while funding certain weapons programs in this bill, we hope that successful arms control negotiations will allow us to forgo or limit some programs in the future. By means of this legislation we are providing the administration with a solid basis for pursuing arms control negotiations with seriousness and resolve.

#### KEEPING FAITH WITH OUR ARMED SERVICES

A third and final principle that has been fundamental to the legislation before us is the obligation we feel to assure the welfare and maintain the confidence of the men and women of our armed services. We must keep faith with them. They, after all, are our most valuable national asset when it comes to the defense of the country.

It is therefore imperative that we never send a signal to our servicemen or servicewomen, through discriminatory pay cuts or caps, that they are in any way less important to the Nation than are its civil servants or civilian work force.

Keeping these principles and priorities in mind, Mr. President, I would like to discuss a number of items from the legislation before us.

#### STRATEGIC AND THEATRE NUCLEAR FORCES

In the area of strategic forces we have acted to provide for modernization of all three legs of our strategic triad. This bill provides the funding necessary to carry out the recommendations of the Scowcroft Commission. The bill provides \$2.6 billion in research and development funding for the MX missile, of which \$279 million

is provided for initiating development of a small single warhead missile; \$2.5 billion is authorized for procurement of 27 MX missiles and their associated spare parts.

The committee also took significant actions to strengthen the sea-based leg of our strategic deterrent. In addition to the authorization of funding for another Trident submarine, the bill provides authorization of \$1.5 billion for research and development on the new Trident II missile.

The committee has recommended approval of 56 nuclear Tomahawk missiles for deployment aboard Navy attack submarines. The committee however, has not recommended procurement of 56 nuclear Tomahawks planned for deployment on surface ships because the Navy has not structured an integrated doctrine for employment of these surfaced-based weapons. In addition, as a result of technical and manufacturing problems and the cost overruns being experienced on this program the committee has recommended a reduction from 124 to 88 in the number of Tomahawk missiles authorized for fiscal year 1984. This action should provide the Navy and the contractor with sufficient breathing room to get this program back on track by fiscal year 1985.

The committee has recommended authorization of the full administration request for the advanced technology bomber (ATB). This provides the same funding level that was planned last year. The bill also provides for full funding of the B-1B Bomber as requested. This particular recommendation of the committee is questionable. It may be ill-advised to rapidly gear up and acquire tooling sufficient to support a maximum production rate of 48 aircraft per year for just 1 year, fiscal year 1986, only to terminate the program the following year as currently planned. Because of foreseeable budget constraints and a clear need to dovetail the B-1B and ATB programs, limiting the B-1B production capacity to 36 aircraft per year appears to be a more prudent course. I might add that the vote in the committee on this issue was 11 to 7, reflecting the difficulties several of my colleagues had in supporting the B-1B funding, as requested.

The bill also provides funding for continuation of the procurement of 240 air-launched cruise missiles in fiscal year 1984 and preserves the option to continue this program into fiscal year 1985 should problems arise with the advanced cruise missile—a program which is also funded at the level requested by the administration.

The committee has also adequately addressed the crucial matter of theater nuclear forces. It provided full funding for the ground launched cruise missile (GLCM) (120 missiles)



and the Pershing II (95 missiles). This should insure that the United States can pursue the INF arms control negotiations at Geneva in a credible posture vis-a-vis the U.S.S.R.

#### SEAPOWER AND FORCE PROJECTION

Mr. President, the committee has acted to continue the ongoing modernization and expansion of our naval forces and power projection capabilities. The bill authorizes the procurement of 20 new ships and \$9.4 billion for the Navy shipbuilding and conversion account. The bill provides for three of the four mine countermeasures ships and two of the three oilers requested by the administration.

The committee has taken two significant actions toward enhancing our amphibious capability and upgrading the potential of our Rapid Deployment Force. It has recommended \$1,380 million funding for the first LDH-1, a more capable follow on to the LHA. The committee has also continued the LSD-41 program, authorizing one ship in fiscal year 1984 and long-lead funding for two ships in fiscal year 1985.

The committee has recommended continuation of the SH-2F Lamps I ASW helicopter program, although at a rate of only 6 aircraft versus the 12 requested by the administration.

The committee has also proposed legislation to deal with the issue of long-term lease or charter of aircraft or naval vessels. This legislation requires specific authorization for any long-term lease, charter, or renewal of such lease or charter. This legislation also requires the Office of Management and Budget and the Department of the Treasury to publish guidelines for lease or charter versus buy decisions.

#### TACTICAL WARFARE

In addressing tactical warfare the committee has continued funding the urgently needed modernization of our conventional forces. However, in applying reductions necessary to stay within the guidelines provided by the budget resolution, we chose to slow the pace of modernization rather than reduce the readiness of our current forces. An example of this emphasis can be seen in the committee commitment to fund a fleet electronic warfare and support group aircraft essential for effective training of our surface fleet while imposing budget-dictated cuts in the F-14 and F-18 programs.

The bill provides \$792 million for 21 F-14 aircraft in fiscal year 1984, a reduction of 3 aircraft and \$94 million from the administration's request. Although the committee recommends procuring the F/A-18 in fiscal year 1984 at the levels requested by the administration (84 aircraft) the committee, in recognition of the out-year budget constraints, has provided advanced procurement funding for the same number of aircraft in fiscal year

1984. This is eight aircraft less than projected by the administration. The most significant action with respect to Navy Tactical Air Forces may be the committee's recommendation to suspend production of the A-6E while increasing production of the EA-6B by 33 percent. The objective of this action is to provide for more efficient buys of tactical aircraft while recognizing the constrained budget environment in which we must operate. It has become abundantly clear that it is very inefficient to maintain all of the production lines currently in existence to produce a few naval aircraft per year.

The bill reduces the F-15 program by 12 aircraft in fiscal year 1984 and reduces advanced funding for 33 aircraft in fiscal year 1985, saving just over \$490 million. At the same time it increases the fiscal year 1984 F-16 buy by 24 aircraft and advanced procurement for 30 aircraft in fiscal year 1985 at a total increase in cost of \$430 million.

The committee has also recommended termination of the MRASM, a program for which both Navy and Air Force support have waned. The committee has also provided for legislation which is designed to insure coordination on a comprehensive joint plan to develop and procure an airborne surveillance and acquisition system to detect and track moving formations of enemy surface units.

The committee has recommended disproportionately larger reductions in Army tactical programs than those of the other services, although it has still maintained the impetus for the Army's most extensive modernization program since World War II.

The committee has recommended procurement of 96 AH-64 aircraft for \$1.1 billion, a reduction of \$105 million from the administration request.

The committee has recommended procurement of 600 Bradley fighting vehicles as requested by the administration, but has recommended that fiscal year 1985 year procurement be maintained at the 600 level rather than ramping up to 830 vehicles as proposed by the administration.

One program particularly hard hit by budget reductions was the M-1 tank. The committee has recommended a buy of 600 tanks in 1984, in contrast to the 720 requested by the administration and the 855 tanks funded in the fiscal year 1983 budget. However, the committee did recommend advanced procurement of 720 tanks in fiscal year 1985.

The committee continued to place emphasis on the National Guard and Reserve Forces in support of the tactical mission. In addition to increased funding in several specific programs, it has recommended \$100 million for unspecified procurement for the Army

National Guard and \$25 million for the Air Guard.

#### PREPAREDNESS

The jurisdiction of the Preparedness Subcommittee covers all of the operation and maintenance accounts as well as portions of the ammunition programs in the Army and the Air Force. Adequate funding of these programs is essential to maintaining the readiness and sustainability of our forces.

The committee's recommendations in the preparedness area result in reductions of approximately \$2.6 billion from the President's request. Although this reduction is large, I think it can be accommodated with a minimum of disruption to essential readiness activities. Some of the largest reductions in this area, including revised fuel prices (-\$1.3 billion) and lower purchase inflation (-\$521 million), are no more than pricing adjustments and will not affect program execution. The committee fully funded, for example, the President's request for depot maintenance, operating tempos, training exercises, and real property maintenance. We were even able to provide increase of \$46 million to the Army's request for training ammunition. However, I should point out to my colleagues that the committee found several important readiness programs in all of the services that we felt were underfunded in the President's fiscal year 1984 request. Unfortunately due to the constraints under which the committee operated, we just were not able to find the money to increase these programs. I make this point only to urge my colleagues not to support reductions in the readiness and sustainability programs beyond those recommended by the committee.

#### MANPOWER AND PERSONNEL

The committee carefully reviewed the President's request for all categories of defense manpower. For the Active Forces, the committee authorized an active-duty strength of 2,142,674 for fiscal year 1984. This is an increase of 12,674 over the fiscal year 1983 strength, but still represents a reduction of 22,026 from the President's request. This reduction was based partly on fiscal constraints. However, it was also meant to be an admonition and incentive to the military services to seriously consider transferring missions and units currently in the Active Force, or programmed to be added to the Active Force, to the Reserve components.

For the Reserves, the committee recommended average strength of 1,036,000 in fiscal year 1984. This represents an increase of 9,000 over the level requested by the President, 3,000 of the increase going to the Army Reserves and 6,000 to the Army National Guard.

Civilian manpower levels in the Defense Department will be held at 1,056,185 in fiscal year 1984, approximately the current estimate for fiscal year 1983. This level is roughly 18,000 below the President's request. The committee felt that, with the substantial growth in Defense Department civilian strength over the last 3 years, the military services and defense agencies should be able to reallocate existing civilian manpower to meet essential requirements for which increases were requested in fiscal year 1984.

In addition to setting defense manpower strength levels for fiscal year 1984, S. 675 includes a number of important legislative provisions to improve Active and Reserve personnel management practices, to strengthen the military health care system, and to enhance the Nation's manpower mobilization capability. Finally, out of concern over the growing numbers of military and civilian personnel assigned to management headquarters and headquarters support functions in the Defense Department, the committee has mandated reductions in headquarters staffing across all of the military services and defense agencies in fiscal year 1984.

The President's fiscal year 1984 assumed no cost-of-living for Federal civilian or military employees next year. The committee, at the urging of Members on both sides of the aisle, has voted to give our servicemen and women a cost-of-living increase in fiscal year 1984 equivalent to that now contemplated for civilian employees in the Government. It has acted to assure that this will be an across-the-board increase, applicable to allowances as well as basic pay—as has been the past practice—and to insure that it will take place no later than the cost-of-living increase for Federal civilian employees. I personally believe that this is among the more important decisions taken by the committee.

#### MILITARY CONSTRUCTION

As a result of the committee's actions, a \$1.2 billion reduction in the military construction areas was made from the Department of Defense request. In addition to those projects for which the services either canceled or revised a requirement, the committee did not authorize projects for which there was insufficient justification or where funds could not be obligated in the coming fiscal year. The committee's thorough assessment of each of the military construction projects requested for fiscal year 1984 has resulted in prudent cutbacks, consistent with the need to accommodate the Senate's budget ceiling for defense, or reductions which do not compromise our essential defense interests.

Two areas in which reductions were made deserve special emphasis. First, as a result of the new basing scheme for the MX missile, the military con-

struction requirements for the MX were reduced by approximately \$400 million. Second, several initiatives in the areas of military construction were taken to address concern by the committee over the contribution of our allies to the common defense. Funding for several NATO projects for which U.S. military construction funds were requested was denied by the committee. The committee believes NATO funding should be sought for these projects and continues to urge measures to increase the level of burden-sharing in the collective defense effort on the part of our allies. The committee is also very concerned over the family housing situation in NATO and hopes the level of effort by our allies in this area will be increased. The committee has recommended that this housing be built with U.S. manufactured housing. Such housing according to committee testimony can be built at about the same total cost per unit as those built for the United States by a foreign government.

#### DEPARTMENT OF ENERGY

The committee recommendation for the fiscal year 1984 DOE budget represents a net \$200 million reduction from the administration's request. The reductions included delays in facilities for producing the SM-2 warhead, the ASW warhead, and the Sentry warhead.

The committee included \$5 million, as requested, for conceptual design work on a new production reactor which the Department of Energy stated in hearing testimony will be necessary by about 1995. The committee increased the verification and control technology program by \$5.4 million to continue an aggressive program in research on new nuclear detection techniques.

The committee fully funded the operating expenses and construction activities related to the disposal of defense nuclear wastes which have been accumulating for about 40 years. The committee's action supports getting started on the disposal plan for all the transuranic and high-level defense wastes as set forth in the Presidential report recently submitted to the Congress.

#### GENERAL PROVISIONS

Among the general provisions included by the committee, two were of the greatest interest to me. The first dealt with use of polygraph examinations in the Department of Defense. At my urging the committee adopted, without objection, an amendment which prohibits the Pentagon from taking adverse actions against military or civilian employees based solely on polygraph test results or the refusal to submit to a polygraph exam. It also requires reports from the President and Secretary of Defense on the need for and implications of plans for expanded use of the polygraph in DOD. Of

course, the committee is not interested in protecting individuals who would cavalierly deal with national security information or deliberately reveal it in violation of law or regulation. Thus, the provision does not ban polygraph use, but recognizes that the polygraph is an inherently unreliable instrument. Individual's careers cannot be made to turn solely on the results of, or on their justifiable fears about, such an exam.

Second, the bill includes a provision permitting DOD to propose to the Congress the disposal of certain real property owned by the Department. Congress must approve each proposed disposal, and the bulk of any profits are covered into the Treasury. I am not comfortable about giving DOD this authority to exclude any Government property out of the longstanding procedures established under the Federal Property and Administrative Services Act. But my primary concern was to protect existing statutory mechanisms for channeling surplus Government land—including DOD land—to park and recreation use. This mechanism, which I helped put into place in the Federal Property and Administrative Services Act in 1970, has been of great benefit to State and municipal governments in many of our States. As reported, DOD would be able to dispose of land under its new authority only after the Secretary of the Interior has had an opportunity to determine whether the land is suitable for use as a park or recreation area. This modification to the original proposal should help maintain a priority that has been given in the past to allocation of excess Government lands for such uses.

Mr. President, I believe we have a balanced bill, a good bill. It will be open for amendments. I would trust that the Members of this body will review carefully the work of the committee. As I said at the outset, it has been a bipartisan effort with one interest in mind—the national security of the United States of America.

I yield the floor.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, is there a limitation on time?

The PRESIDING OFFICER. There is no limitation on time.

Mr. GOLDWATER. Mr. President, as chairman of the Tactical Warfare Subcommittee I report on the tactical portions of the fiscal year 1984 Department of Defense authorization bill with mixed feelings. I am pleased that this bill will continue the modernization of most of our conventional forces. However, I am disappointed that in order to comply with congressionally mandated budget reductions



we have been forced to reduce the production rates of several vital programs. These reduced production rates will inevitably result in higher unit costs and slower deliveries of new equipment to our inventory.

In the long run, these decisions will result in our paying more for defense than we would have under the administration's original proposal. In my opinion, this is a very shortsighted way to go about meeting our responsibilities to provide for our national security. By cutting the defense budget, as we have been compelled to do, we will end up paying more to get less. I hope that all those who participated so enthusiastically in reducing this defense budget will remember their participation when, next year, they read the familiar rush of press reports about continued cost growth in defense programs. Let us not kid ourselves. By repeatedly stretching out programs and denying production rate buildups, we are as much to blame for cost growth as anyone in the Pentagon or industry.

Mr. President, I would also like to express my profound disappointment at the way this body has allowed itself to become so encumbered by the budget process. We have reached the point where the entire legislative year is now virtually consumed by the task of passing our annual appropriation bills. The Budget Act of 1974, which was intended to streamline the process, has in fact produced just the opposite effect. Like a bureaucracy that has gone too long without a house cleaning, we have become mired in layer upon layer of duplicated effort and overlapping responsibilities.

I have yet to hear a persuasive explanation of why we must have one committee to set overall spending levels, a second to authorize expenditures and a third to appropriate funds for those expenditures, if they have a mind to do it. There has got to be a more efficient way of doing business. I remind you that last year we were here late into December in our efforts to pass the 1983 appropriations bills. And the fact of the matter is we failed. We ended up passing a continuing resolution which would provide for appropriations for an entire fiscal year. We took the easy way out—a short cut—and in so doing we neglected one of our primary responsibilities to the country, its defense.

Mr. President, we are in this mess not because of a lack of diligence or good intentions on the part of any Member of this body, but because the procedure that we have set up is simply not working. As a legislative body, we are like a drowning man, struggling vigorously but accomplishing little. Major issues deserving the attention of this body must be deferred or given only superficial consideration, because so much of our time is

consumed by an inefficient budget process.

Mr. President, as the distinguished majority leader, Senator BAKER, recently remarked, we have allowed this body to evolve into an institution that bears little resemblance to what was conceived by the Founding Fathers. Having first come to this body 30 years ago I have witnessed much of that evolution. And I can tell you that some intelligent reform is long overdue.

Referring just briefly to the subject of committees, Mr. President, and I intend to speak at great length on this sometime in the near future, the Armed Services Committee has as one responsibility, its first, the authorization of equipment. This committee spends, Mr. President, months. We have staffs of experts, men who have spent, for example, I imagine a total of over 20,000 hours flying military aircraft. We have men extremely well acquainted with the difficult subject of ships at sea. We have men acquainted with the problems facing the man on the ground, the soldier. These staff members and members of the committee spend many, many weekends, Mr. President, out in the field studying the weapons systems, talking with the troops, talking with the airmen, talking with the sailors, so that we might have a better idea of what we are doing.

After months and months of consideration, this process goes through a final one of our subcommittee and the full committee deciding on what we will authorize.

Mind you, Mr. President, I am not saying this committee or my subcommittee are the sole possessors of knowledge in this field, but I will put the knowledge in the field of our subcommittee and our Armed Services Committee against the Appropriations Committee and the Budget Committee any time. It is not that they do not have efficient staff members; they do. But, Mr. President, I hope the body will keep in mind when this authorization is voted on, it travels over to the House, we have to have a joint meeting on what both Houses have agreed on, then it comes back here for another vote, then to the Budget Committee and then to the Appropriations Committee who will be the final people who will decide on just how this country will be defended in the coming years.

I do not want to sound egotistical or self-centered in this, but I would much rather depend on a committee made up of a staff and members of experts than on a committee whose determination on the armed services money is only a small part—or even say a big part; it is just a part of what they have to do. I am very hopeful that, in the few years I have left around here, I shall be able to see a reconstruction of

the whole idea of the budget concept. It is a good idea; it just is not working. We are neglecting, week after week, day after day, important things that must be done for this country by this body.

Mr. President, returning to the defense authorization bill, I will highlight some of the committee's recommendations in the area of tactical warfare.

For the Army, we have reduced the administration's request for the Apache helicopter—which, by the way, is made in my State—by 16 helicopters. We have also recommended a reduction in the production rate of the M-1 tank from the administration's request of 720 vehicles per year to a level of 600 per year. This recommendation is based on the conclusion that the Army will not be able to sustain the higher production rate so long as Congress insists on continually reducing the defense budget. While these two recommendations will save us money in the short run—about \$330 million in fiscal year 1983—they will add considerably to the overall cost of the programs. As I said earlier, we will spend more to get less.

In the Navy, we have once again expressed concern over the growing number of aircraft procurement lines. Last year, there were 13, this year there are 16, and next year, the Navy projects there will be 20. To remedy this situation, we have proposed that the production line of the A-6E Intruder and the T-34 Mentor be suspended. In the case of the A-6E, we have endorsed a program that will increase the maintainability, survivability and the capabilities of future production A-6E's. It is expected that after a suspension of 5 years, the A-6E line will be reopened and we will then be able to produce the aircraft at a rate more effective than the current six aircraft per year.

In order to comply with budget restrictions, we have also recommended the following reductions: 5 AV-8B Harriers, 3 F-14 Tomcats, and 2 C-2 Greyhound COD aircraft. We have recommended approval of the administration's request for Navy Sidewinder and Sparrow missiles, but have recommended a reduction of \$81 million from the administration's request for the procurement of Phoenix missiles. This would deny the administration's request for surge production funding for the Phoenix and will sacrifice economies associated with higher rate production.

For the Air Force, we have recommended a reduction of 12 F-15's from the administration's request for 48 aircraft. Offsetting this reduction is an addition of 24 aircraft to the administration's request for 120 F-16's. The procurement of these additional F-16's will help to achieve a more economical

production rate and will also enable the Air Force to continue the modernization of Air National Guard units.

The committee recommends approval of the funding requested to conduct the alternate fighter engine competition, which has generated so much controversy over the past 2 years. The committee strongly supports the administration's efforts to increase the reliability of our fighter engines while, at the same time, reducing the cost of these engines through competition.

We have also recommended reductions in the funds requested for aircraft spares and aircraft modifications. And I tell you quite frankly, Mr. President, that I am not happy about having to make these recommendations. We have come a long way over the past 3 years toward increasing our availability rates and I am not eager to begin backsliding now. But, as the chairman stated in his opening statement, if we are to absorb these budget reductions in a balanced fashion, virtually all areas of the budget will be affected.

Mr. President, that briefly summarizes the recommendations of the Tactical Warfare Subcommittee.

I am pleased with the quality of the review each of the subcommittee members performed to insure that the expenditures authorized in this bill are both necessary and reasonable. I would particularly like to thank the three new members of our subcommittee, Senators KENNEDY, WILSON, and BINGAMAN, for their valuable contributions and genuine dedication to the task of preparing this authorization bill. I would also like to thank Senators WARNER, JEPSEN, and LEVIN, who have become the old hands on our subcommittee, for their consistently outstanding participation. I am grateful to each of them for their interest and hard work.

I would be extremely neglectful, Mr. President, if I did not mention the members of my staff on the subcommittee and the members of the full staff who performed so beautifully in this matter. I am grateful to every one of them for their work in this area.

#### THE CARTER BRIEFING BOOK AFFAIR

Mr. GOLDWATER. Mr. President, may I make a brief comment on something not related to this subject?

The PRESIDING OFFICER. The Senator may proceed.

Mr. GOLDWATER. Mr. President, as all of us have, I have just returned from our July 4 recess at home. It was a relief to be away from Washington. I did not read a thing in my local newspaper about the so-called Carter episode or how come the President got part of Mr. Carter's secret papers pertaining to the debate. That was a relief, believe me, because if you live in

Washington and you read the morning papers—and there is no evening paper, unfortunately—you would have to come to the conclusion that there is nothing around here but a bunch of crooks. The same newspaper did not say a doggone word about a man named Lyndon Johnson, when he knew more about my speeches before I read them than I knew myself.

I do not know what you have to be around this place to be holy. I guess if I had been born in Texas, I would be considered above bowing to those things.

Then I read in the Wall Street Journal the other day that the eminent journalist, George Will, is going to be chastised by losing a paper here and there for having helped a man of his choice. Oh, you say anything that violates the first amendment and, my God, the newspaper people in this country go ape. But let one of their members support a President and say so; you would think that someone had just torn down the temple.

Mr. President, it is amusing to watch the evening television shows, particularly the Agronsky show.

Mr. KENNEDY. Will the Senator from Arizona yield on this issue?

Mr. GOLDWATER. Yes, Mr. President.

Mr. KENNEDY. Is the Senator suggesting that there was someone involved in his campaign who was leaking material to Lyndon Johnson, who was running at that time?

Mr. GOLDWATER. I am not making that now. That was common knowledge at the time. It was published in the press, made known over the TV and radio. In fact, it was my unfortunate duty one morning to ask a young lady to leave my train, a very attractive young lady too, I might say, because she was busy stealing material out of my mimeograph room.

We knew about it. Johnson's office knew about it. It was going on. It has been going on around here, I guess, ever since the days of George Washington, although he might turn over in his grave if I said so and, if he does, I apologize.

What I am trying to get at is I think the Senator from Massachusetts is as aware of these things as I am, not that we have performed it, but we have watched it. I watched the evening television show I mentioned, Mr. Agronsky's show. You would think these columnists never took political sides. I do not know a man in the writing profession who has not approached a typewriter sometime and banged out a piece that says, let us destroy this President, let us elect that man; let us get rid of this Senator, let us elect that man.

It is a laughable joke, Mr. President, what is going on in this town in the name of news. There are a lot more important things around here. I

cannot think of any right now that are important here, but get me out to Arizona and I can think of a lot of important things that people are interested in: Getting their taxes cut, getting this body to act in a more responsible way, getting down to the business of this country and stop worrying about the fact that some of Mr. Carter's papers wound up in the hands of Mr. Reagan, given to Mr. Reagan undoubtedly by some member of Mr. Carter's staff who did not like Mr. Carter. That goes on all the time.

Mr. President, I just wanted to stand up and vent my little feelings on this. It is sort of funny to come back and watch this town literally falling apart at the seams for a happening that has been going on ever since there have been newspapers in this town.

I do not defend any member of the press, nor do I castigate any member of the press. They are all guilty, just as we are, of taking sides in politics.

That is all I have to say. I yield the floor.

#### OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate resumed consideration of the bill (S. 675).

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion of the Senator from Texas to waive section 402.

Mr. METZENBAUM and Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. I am sorry, there was some shouting going on in the Chamber, and I could not quite understand. It is my understanding that the motion of the majority leader is the pending business. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. At this point the Senate might be interested in knowing how long the debate on this issue will go on. I am prepared to stay all night if necessary, through the day tomorrow, whatever is required. It is a little unusual to filibuster a pro forma motion like this, particularly when a committee has been as cooperative as ours with the Budget Committee in honoring the budget process. But I am prepared to vote on this issue now. I hope that other Senators will feel inclined to permit us to get on with our business.

Mr. METZENBAUM. Will the Senator from Texas yield for a question?

Mr. TOWER. I yield to the Senator from Ohio.

Mr. METZENBAUM. Will the Senator from Texas be good enough to



advise the Senator from Ohio with reference to the exchange he had with Mr. Stockman back in May as to whether or not—I think the Senator indicated in connection with that \$2.1 billion—

Mr. TOWER. I did not have an exchange with Mr. Stockman on that issue.

Mr. METZENBAUM. Was there a letter from him at that time?

Mr. TOWER. There was no letter from him at that time. They were estimating DOD savings due to revised inflationary assumptions, but we could not get validation of those numbers. We discussed it in committee. The committee elected not to consider that in our mark, and we proceeded on a different course until such time as those numbers were validated.

Mr. METZENBAUM. I want to repeat a question I asked before, but I am not sure I received the correct answer.

Did the Armed Services Committee ever notify the Budget Committee that the \$2.1 billion in savings was to be effected?

Mr. TOWER. I do not recall that there was any formal notification by the Armed Services Committee to the Budget Committee. The Budget Committee has a much better flow of information from virtually all sources on budgetary matters than does the Armed Services Committee. I am sure that that information was available to the Budget Committee. I do not know that it was incumbent on the Armed Services Committee to discuss that with the Budget Committee, and I do not think it is relevant.

Mr. METZENBAUM. I should like to just point out to the manager of the bill that I do serve on the Budget Committee; that I never heard of the \$2.1 billion. I think, had we heard of it, it is very likely that the Budget Committee would have arrived at a different figure as far as the Defense Department.

Mr. TOWER. And I respond back—

Mr. METZENBAUM. May I finish, please? That it came as a surprise to all of us when we read about it in the paper. I gather it came as a surprise to the members of the Armed Services Committee—I think that \$2.1 billion is very significant—that it could just suddenly be found.

Mr. TOWER. I yielded to the Senator for a question. What is the question?

Mr. METZENBAUM. The Senator answered the question.

Mr. TOWER. It was not just suddenly found, as I have stated. The matter was discussed back in May. The figures simply were not validated at that time. The committee had it within its power to reject the additional savings and elected not to take all of it. But the committee voted to calculate those

at the budget mark, and that was done by a bipartisan vote of 11 to 4.

Members of that committee or any Senator can, once we get into this bill, question this matter or offer amendments to reduce the bill by whatever amount they choose and by whatever programs they choose.

So I would hope we could get on with the business and get into substantive debate, because this is not relevant to the budget waiver. The budget waiver simply has to do with timeliness.

The fact is that right now, the Armed Services Committee is being punished by a member of the Budget Committee, maybe by several members of the Budget Committee; I do not know—I see some others around—for having cooperated with the budget process in waiting until the budget process had been completed on the first concurrent before reporting its bill. It could have reported its bill prior to May 15. It would not have required a budget waiver. It could have sent any figure, in fact, that it wanted and taken advantage of any savings that it felt it wanted to take advantage of, whether validated or not.

Now, if the Senator wants to delay the consideration of the bill, he has a right—the budget waiver motion is subject to debate—but I do not intend to get into the substance of the bill when what is the pending business is simply a pro forma resolution. So I do not intend to debate the substance of the bill but let the Senator from Ohio, if he can think up enough substantive comments to make on a simple pro forma resolution, go ahead and do so. I suggest that the proper time to discuss the substance of the bill would be when we get on the bill itself.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to express my appreciation to the Senator from Arizona for his kind comments about me and my colleagues for our work on the Tactical Warfare Subcommittee. I had the opportunity to attend most of the hearings and to work with the Senator from Arizona both in the subcommittee and the full committee. I think all of us are very much in his debt for his experience in and knowledge of national security issues. He was always extremely accommodating to the members of the subcommittee.

Mr. President, I would like to comment on the issue that has been raised by the Senator from Ohio (Mr. METZENBAUM) on budgetary procedure. The point he raises should be a matter of major concern to this body. It is one of the main reasons that I reserved support for the bill that is now before the Senate.

It is true that the Armed Services Committee conformed with the budget resolution, but the amount that we set out to authorize in the Armed Services Committee was based on 5 percent real growth.

Basically, the Armed Services Committee now wants to have it both ways—take the mark, which was \$268 billion, and have Mr. Stockman come in with a recalculated estimate of the rate of inflation and thereby actually increase the total percentage of real growth. So now, in effect, we have not fulfilled the understanding of this body that we were going to have 5 percent real growth in the defense budget.

The Senator from Texas is quite correct that we have not violated the budgetary requirements of the first budget resolution. But the point of the Senator from Ohio about the discipline which the various committees should exercise is very important. The Armed Services Committee and its subcommittees worked very long and hard, as the Senator from Arizona knows, in trying to reach its particular mark. The Tactical Warfare Subcommittee spent many hours deciding which weapons systems it was going to approve and at what cost. Then, suddenly, this recalculation was made a few hours before final consideration and new savings were available. And they were new, Mr. President.

I had the opportunity to talk informally with the chairman of the Budget Committee (Mr. DOMENICI) right after our committee had concluded its work.

He had absolutely no idea—was completely unaware—of the \$2.1 billion. If the \$2.1 billion was there in May, as some have claimed, then the chairman of the Budget Committee would certainly have been aware of it.

The Senator from Texas is quite right: We have the power to reverse decisions which have been made. But the point the Senator from Ohio, as a member of the Budget Committee, is making, is that the administration has engaged in budgetary trickery and the Senate should know this before we begin this debate.

This type of budgetary trickery demeans the hard work that has been done by members of the Armed Services Committee and demeans the entire budgetary process. I think the American people are probably confused enough trying to understand the budgetary process, and this kind of recalculation in the final hours only adds to the public's skepticism and cynicism.

I must say that I do not mean to be partisan. Many members on the other side of the aisle expressed disillusionment during the final day of markup.

I believe all of us are mindful of what the parliamentary situation is

and that we need authorization legislation on defense.

I also think it is important for us to understand, at the outset, what kind of budgetary power play the Armed Services Committee had to deal with in its final markup.

Mr. President, I reluctantly voted against this bill in the Armed Services Committee because I opposed the flagrant budgetary manipulation that accompanied the committee's action.

The executive branch "discovered" \$2.1 billion of additional funds on the last day of our committee deliberations—enough to fund the multiyear procurement of B-1 bombers which our Strategic and Theater Nuclear Forces Subcommittee had recommended against. Such statistical trickery undermines the hard work of the Armed Services Committee and the credibility of the entire budgetary process.

Until the final day of our committee deliberations, I intended to vote in favor of this legislation. I disagreed with some provisions of the bill, but I was very favorably impressed by the conscientious process which we followed in the committee in marking up the defense budget.

The budget mark received by the Armed Services Committee from the Budget Committee permitted 5 percent real growth in defense spending, compared to the 10-percent growth requested in the President's budget. To meet the 5-percent target, the Armed Services Committee allocated reductions from the President's request to each subcommittee. The subcommittees then marked up their portions of the defense budget to meet the assigned target, and reported their conclusions to the full committee.

But then we got the \$2.1 billion; there was no attempt to reallocate those savings according to subcommittee, even though we had initially reduced according to subcommittee.

Mr. President, the procedure worked very well until the final moments of our full committee markup. The Strategic and Theater Nuclear Forces Subcommittee had recommended deleting funds for multiyear procurement of the B-1 bomber and limiting production to a rate of three aircraft per month. This recommendation produced a saving of \$887.7 million in fiscal year 1984 spending.

The full committee accepted this recommendation, and would have deleted this B-1 funding if the administration had not suddenly and conveniently revised its estimate of inflation. I am deeply concerned by this budget flimflam. I regard this result as bad budget policy and an insult to the hard work of this committee.

As a matter of defense policy, there is no justification for proceeding with the B-1 bomber. The Air Force's confidence in the new "stealth" technology

has led it to accelerate development of advanced cruise missiles in order to insure that the bomber leg of the triad is viable well into the 1990's. This situation raises an obvious question that must be resolved before we proceed with the B-1 bomber. If the threat now posed by Soviet air defense justifies trading in the air-launched cruise missile for a new cruise missile with stealth technology, then it should also justify trading in the B-1 bomber, which has only limited stealth capabilities, and concentrating our resources on building a bomber that fully incorporates this new technology.

I think the Senate should face this dilemma squarely and impose some discipline on the Pentagon by choosing between the B-1 bomber and the stealth bomber. If we were to do so we could delete the \$6 billion for the B-1 program and invite the Air Force to come back to the committee with a supplemental request for accelerating the stealth program. I believe that makes good defense sense as well as good financial sense.

Given the uncertainties about the future military requirements of our strategic bomber force, there is even less justification for the committee's decision to provide multiyear procurement of the B-1 bomber. The B-1 meets few, if any, of the congressionally mandated criteria for multiyear funding. In particular, the instability of the design of the system may very well reduce multiyear savings in the future. According to the recent GAO report on multiyear programs, the B-1 fails to meet four of the five criteria used to evaluate multiyear contracts, including cost confidence, funding stability, design stability, and most important, projected savings. Indeed, the GAO report casts considerable doubt on whether the Air Force can achieve any of the savings it originally estimated from multiyear contracting.

Mr. President, I hope that the Members of the Senate will have an opportunity to examine that GAO report as it relates to the multiyear funding of the B-1 bomber. I will have more to say about that when an amendment which I will cosponsor with two other of my colleagues is before the body, but I do believe that in preparation for that particular debate it would be most valuable for the Members of the Senate to examine the GAO report on this issue. I ask unanimous consent to have printed in the RECORD those relevant sections at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I also voted against this bill in the committee because it provides funds for production of the MX missile, chemical munitions, and nuclear aircraft

carriers, as well as other weapons systems that are wasteful or destabilizing.

The idea that more spending means greater security has led the Reagan administration to try to produce the MX missile, even though it cannot be protected, and even though it means building more nuclear weapons at the expense of the readiness of our conventional forces and our pressing economic needs.

I believe in maintaining a triad of strategic nuclear forces that includes a survivable land-based leg—not one that is crippled before it is built. Paradoxically, the deployment of the MX will make us weaker, not stronger. At the present time, the Soviets have little or no incentive to attack our Minuteman missiles in their silos. The MX, by posing a first-strike threat to their land-based systems, will increase the incentive for the Soviet to attack us in a crisis. Recent data from the Air Force reveal that just as we begin to deploy the MX in the later 1980's, Soviet improvements in missile accuracy will give them the capability to destroy all but 1 percent of our fixed-silo land-based missile force, 1 percent of 100 is 1 surviving MX missile. The result may well be to tip both sides toward a launch on warning or launch under attack strategy that takes us even closer to the fateful precipice of all-out nuclear war.

I support vigorous research and development of the small ICBM as a sane alternative to the MX. If the \$279 million in this budget does not push small missile research and development as rapidly as possible, I would favor increasing this amount.

I support a national defense second to none. I support steady, sustained, and responsible real growth in the defense budget. But excessive growth in defense is unacceptable. It comes at the expense of other important programs, and it adds to the already intolerable burden of massive Federal deficits.

Finally, in one of its most important actions, the Armed Services Committee recommended a 4-percent cost-of-living adjustment for our military forces. This adjustment will be a real 4-percent increase in total military compensation, not just in basic pay.

The men and women of our Armed Forces are serving our country with outstanding skill and dedication. They deserve not only our gratitude and respect, but a fair wage that is at least comparable to the compensation of their civilian counterparts in Federal service.

I strongly opposed President Reagan's scheme to freeze civilian and military pay in order to finance his wasteful increases in military procurement; in fact, the President's proposal would actually have slashed the pay of Federal civilian and military workers



once inflation is taken into account. I am pleased that the Armed Services Committee saw through the Reagan freeze on military pay, and saw fit to accept the amendment that I offered with Senator Exon to grant the same reasonable cost-of-living adjustment already agreed upon for civilian employees of the Government.

In terms of sound defense strategy, it is fundamentally shortsighted to cut readiness, manpower, and tactical warfare programs in order to preserve wasteful and unnecessary strategic and naval forces. It is especially difficult to justify making such cuts in order to preserve two new ICBM programs, five strategic bomber programs, and three new aircraft carriers and their battle groups.

We can fashion an effective defense at a manageable cost. There is no more important responsibility before us. But this task requires us to reorder our defense priorities and reexamine what is militarily necessary and effective. It also requires us to deal openly and candidly with the complex economic and military issues in this important bill, and to demonstrate a decent respect for the budget process. I believe the committee failed to meet its responsibility on these issues, and I hope that the full Senate will act wisely to remedy the serious defects in this particular legislation.

Mr. President, I yield the floor.

#### EXHIBIT 1

#### ANALYSIS OF THE DEPARTMENT OF DEFENSE'S REQUEST FOR MULTI-YEAR CONTRACT AUTHORITY FOR THE B-1B WEAPONS SYSTEM—GAO REPORT, JUNE 16, 1983 (EXCERPT)

##### ASSESSMENT OF THE B-1B MULTIYEAR JUSTIFICATION

You asked that we also testify concerning our analysis of the B-1B multiyear justification. Overall, we do not believe the Air Force has demonstrated that the B-1B program fully meets the criteria in Public Law 97-86. As you know, the B-1B program cost estimate, was based on achieving an \$800 million (fiscal year 1981 dollars) savings from multiyear procurement. Therefore, achieving those savings is important to maintaining total program cost within the baseline of \$30.5 billion (fiscal year 1981 dollars). The baseline program assumed that multiyear authority would begin in fiscal year 1984. The Air Force, however, requested fiscal year 1983 multiyear authority to initiate economic order quantity (EOQ) buying of selected B-1B components after it learned that a fiscal year 1984 multiyear start would not provide the desired savings.

##### Cost avoidance and confidence in cost estimates

In terms of the criteria we presented earlier, we believe the cost avoidance figures included in the multiyear justification package (based on budgetary estimates) were marginal for the engine (4.6 percent), offensive avionics (3.5 percent), and defensive avionics (0.5 percent). The program director stated that the proposals received confirmed the estimated savings, but assumed that EOQ would start by April 1, 1983. Since authority to initiate EOQ by April 1, 1983 was not granted, the savings estimate of

\$800 million (fiscal year 1981 dollars) has, according to the Air Force decreased to about \$600 million (fiscal year 1981 dollars) assuming authority to start EOQ takes place in early June 1983.

We understand the proposals, in total, exceed the amounts budgeted by the Air Force for those efforts by about 31 percent. Therefore, it may be difficult for the Air Force to achieve the savings originally estimated and to acquire the system within the baseline cost of \$20.5 billion (fiscal year 1981 dollars).

Although the Air Force has received proposals from the contractors, the Air Force denied us access to the proposals because they believed the proposals should remain confidential to the negotiation process. The Air Force does not intend to complete their analysis on the proposed multiyear prices with the contractors until they receive multiyear authority.

The award of the single largest contract and the one with the greatest potential savings, the airframe contract, is not planned until fiscal year 1985. Therefore, negotiations on the major part of the system will not begin until late 1984 consequently, there will be little basis for confidence in the total cost or the estimated cost avoidance until that time.

##### Design stability

The Air Force has testified that the design of the B-1B airframe, engine and avionics are stable. However, the operational testing that remains to be done on the B-1B could ultimately require some design change. In our April 13, 1983 report to the Secretary of Defense (GAO/MASAD-83-21) we stated:

"The research, development, test and evaluation phase for the B-1B, full-scale development effort is scheduled to continue into fiscal year 1987. For fiscal year 1984 through 1987, 51 percent of the research, development, test and evaluation funds are to be requested for the B-1B program. Further, the development flight testing for the program is to continue through June 1986. Avionics flight testing will not start until July 1984."

Since the operational testing of the B-1B program is only beginning, there is no basis to more specifically identify potential design problems or their impact on the program, either based on annual or multiyear contracting.

##### Matters for consideration

When the committee is satisfied that the Air Force has provided sufficient information to demonstrate confidence in the design stability of all B-1B systems, and determines that the B-1B program is an acceptable candidate for multiyear contracting, it may want to consider quickly approving EOQ for fiscal year 1983 because the Air Force states that delay is jeopardizing claimed savings. We believe, however, that approval of fiscal year 1983 EOQ authority and the fiscal year 1984 budget request for multiyear contracting authority should carry certain conditions. We suggest the committee require the Air Force to:

Make a detailed analysis of both multiyear and annual proposals for all associate contractors based on a fiscal year 1984 start before any multiyear contracts can be awarded;

Provide a detailed assessment that demonstrates the extent to which the negotiated multiyear target prices plus work already on contract and work not yet on contract compares with the \$20.5 billion program baseline.

In addition, if the Committee wants our assessment of savings and total program cost based on negotiated multiyear contract prices prior to final congressional approval it should consider requiring the Air Force to provide all proposals and analyses for GAO review when the initial negotiation objectives under either multiyear and/or contract basis are established. Timely access to this data would be essential for us to be responsive to the Committee needs.

This concludes my statement Mr. Chairman, and I would be happy to answer any questions you or the other members may have.

#### CHART 2.—PRELIMINARY EVALUATION OF CANDIDATES

[X indicates a question whether criteria has been met]

System/subsystem	Savings <sup>1</sup>	Degree of cost confidence	Requirement stability	Funding stability	Design stability
Army					
Bradley fighting vehicle					
Transmission	X	X			X
Turret drive	X	X			
Power control unit		X			
Tow sub-system		X			
CH-47/D modification <sup>2</sup>					
M-60 Thermal sight		X			
AH-64 engine	X	X			
Tow II missile <sup>2</sup>		X			
Armored combat earth-mover	X				X
Navy					
F/A-18 engine <sup>2</sup>		X	X	X	
TB-16 sonar		X			
MK-45 gun mount/MK-6 ammo hoist		X			
AN/TSQ-111 <sup>2</sup> CNCE		X			X
AN/SSQ-62B sonobuoy <sup>2</sup>		X			
LSD-41 ship		X			
MK-30 target		X			X
Air Force					
B-1B bomber:					
Airframe		X		X	X
Engine	X	X		X	X
Offensive avionics	X	X		X	X
Defensive avionics	X	X		X	X
Spares					
F-15 aircraft <sup>2</sup>	X	X		X	
KC-135 Re-engineing <sup>2</sup>	X	X		X	X

<sup>1</sup> We have considered all systems with a projected savings of less than 5 percent based upon budgetary data to be questionable.

<sup>2</sup> Multiyear authority denied by House Armed Services Committee.

Mr. QUAYLE and Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. Wilson). The Senator from Indiana is recognized.

Mr. QUAYLE. The Senator may go ahead if he wishes to speak.

What is the pending business?

The PRESIDING OFFICER. The question before the Senate is the motion by the majority leader to waive the requirements of section 402 of the Budget Act.

Mr. QUAYLE. Are we ready to vote on that?

Mr. METZENBAUM. Mr. President, if the Senator from Indiana wishes to be recognized for the purposes of making a speech, I have no objections of him doing so. Otherwise, I do intend to address myself to the motion.

Mr. QUAYLE. I wonder if the Senator from Ohio might just be able to enlighten the Senator from Indiana as to how long we are going to be on this procedural motion?

Mr. METZENBAUM. One never knows.

Mr. QUAYLE. Does the Senator have any idea?

Mr. METZENBAUM. The Senator from Texas indicated that he would like to work tonight. I am free, and I am available throughout the night and morning.

Mr. QUAYLE. What are we going to work on?

Mr. METZENBAUM. We are going to talk a little bit about—

Mr. QUAYLE. Leasing?

Mr. METZENBAUM. No. About the budget.

Mr. QUAYLE. The budget also?

Mr. METZENBAUM. The Defense Department authorization bill, and I suggest that if the Senator wishes to know what we are going to talk about, he just sit down and listen to me speak, and he will learn what I am going to talk about.

Mr. QUAYLE. The Senator cannot talk a whole lot about the defense authorization bill as we are not there yet.

Mr. METZENBAUM. If the Senator cares to make a point of order that the Senator from Ohio is out of order in anything that I am saying in the Chamber, he certainly is at liberty to do so. Absent that, I intend to address myself to the issue as I see it before the Senate.

Mr. QUAYLE. Will the Senator be 1 hour or 2 hours?

Mr. METZENBAUM. I really am not in a position to respond to the Senator from Indiana. If he has a commitment this evening, he can share it with me.

Mr. QUAYLE. I thank the Senator for shedding a little light on the situation.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, the distinguished manager of the bill has indicated that discussing the \$2.1

billion adjustment is not relevant, that it is not relevant in connection with this waiver and that the only time to bring that up is when the bill is being considered.

Mr. President, I have no difficulty with that issue. When this matter or any other matter pertaining to this legislation is on the floor, all aspects of the matter are relevant, and we are talking about \$2.1 billion that suddenly out of nowhere the Director of the Office of Management and Budget is able to find.

A lot of people have said they have difficulty with his credibility in dealing with Congress and in dealing with the people of this country, and I am one of those. I heard him appear before our committee time and time and time again about the need to cut spending and take food out of children's mouths, cut back on medicare and medicaid, cut back on funds for education, cut back on all of the human service programs and not once, not once since he has been in office has he found \$2.1 billion for those programs.

Not once has he found half of that amount or a tenth of that amount. But suddenly out of nowhere he finds \$2.1 billion. The audacity of the situation is that the Armed Services Committee uses the money in connection with the program that is at issue at that very moment. That is bad enough, but then they do something else. I was not at the committee hearing, so I can, therefore, only quote from the Washington Post of June 29:

After voting the \$888.7 million for the B-1 the committee proceeded to make additions to the authorization bill to use up most of the rest of the \$2.1 billion.

Hurray, we have got \$2 billion. Let us be sure we spend it all. Never mind all this talk of the conservatives about cutting back on spending. We are dealing with the Defense Department authorization bill. Let us spend every single dime we can find. Let us go right up to the level.

The distinguished manager of the bill has said "We did not get up to the level of the Budget Committee figure." But the fact is—and I served on that Budget Committee—there was tremendous pushing and pulling and fighting and negotiating and compromising until we got to the figure that the Budget Committee agreed upon. Not all of us agreed upon that figure. I went along with it at 5 percent, the so-called 5-percent compromise. But the facts are that many of us thought it ought to be considerably less.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. METZENBAUM. I yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. Was it the understanding of the Budget Committee when they finally gave us the \$268 bil-

lion that it represented a 5-percent real growth?

Mr. METZENBAUM. Indeed it did.

Mr. KENNEDY. So even though the Armed Services Committee was conforming to the letter of the budgetary process by coming in under \$268 billion, if we had followed the spirit of the budget process we would have authorized only 5-percent real growth and this would have been several billion dollars below the \$268 billion as a result of the inflation reestimates; am I not correct?

Mr. METZENBAUM. The Senator from Massachusetts is 100 percent accurate.

If we were to have followed the usual procedures with respect to the 5 percent it would have been 5 percent and including taking into account the various inflation factors, economic projections on the cost of money, we would, therefore, have set a lower figure for the 5-percent figure.

We did not know that. Mr. Stockman had a secret. He ought to be on that TV program, "I Have A Secret," but the fact is he is supposed to make his information available to all of us in Congress and the people of the country, but he did not share it with us.

Mr. KENNEDY. Am I also correct that the Budget Committee was in conference with the House only 2 days prior to the final day of the Armed Services markup?

Mr. METZENBAUM. The time when the Budget Committee was in conference with the House relative to the figures agreed upon was very proximate to the time when Mr. Stockman advised the Armed Services Committee of the newly found money. I am not certain, and I am frank to say to the Senator from Massachusetts I am not certain, whether it was 2 days, but it was very close in time.

Mr. KENNEDY. It is shocking to me that neither the members of the Budget Committee, including the chairman, nor the Democratic or Republican members of the Armed Services Committee with whom I have spoken had knowledge of these inflation savings until the final day of markup.

I am just wondering whether the Senator from Ohio finds the manner in which the administration came up with savings at the end that would have changed the whole budget process had we known about them at the beginning flimflam economics?

Mr. METZENBAUM. I do indeed find it flimflam economics. I would point out—

Mr. TOWER. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from Texas will state his point of order.

Mr. TOWER. Mr. President, under rule XIX, section 1(b) I raise the point



of order that the remarks of the Senator from Ohio are not germane.

The PRESIDING OFFICER. The Senator from Ohio may only debate the specific question before the House, that is upon the motion by the majority leader to waive section 402 of the Budget Act.

Mr. METZENBAUM. The Senator from Ohio is debating the matter before the House, and it is my opinion that neither the Presiding Officer nor any other Member of this body is in position to determine otherwise.

Mr. KENNEDY. Mr. President, I would certainly hope that—

Mr. TOWER. Mr. President, is the point of order sustained by the Chair?

The PRESIDING OFFICER. The point of order is well taken, and the Chairman will advise the Senator from Ohio that is the function of the Presiding Officer.

Mr. METZENBAUM. Mr. President, I appeal the decision of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the appeal.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Without objection, the ruling of the Chair is sustained.

#### CALL OF THE ROLL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum if that is the way we are going to play.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. There is objection. The clerk will continue the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard from the Senator from Ohio.

The legislative clerk resumed the call of the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll and the following Sena-

tors entered the Chamber and answered to their names:

#### [Quorum No. 8 Leg.]

Bingaman	Jackson	Stennis
Cohen	Kennedy	Tower
Domenici	Levin	Trible
Goldwater	Metzenbaum	Wilson
Hart	Quayle	
Helms	Riegle	

The PRESIDING OFFICER (Mr. WILSON). A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

#### [Quorum No. 8 Leg.]

Boschwitz	Gorton	Stafford
Chafee	Kassebaum	Symms
Cochran	Leahy	Wallop
Danforth	Mattingly	
Ford	Rudman	

(During the call of the roll Mr. GOLDWATER occupied the chair.)

The PRESIDING OFFICER (Mr. COHEN). A quorum is not present. The clerk will call the names of absent Senators.

After some delay, the following Senators entered the Chamber and answered to their names:

#### [Quorum No. 8 Leg.]

Andrews	Durenberger	Lugar
Baker	Eagleton	Packwood
Bentsen	Grassley	Percy
Bradley	Hefflin	Proxmire
Bumpers	Humphrey	Randolph
Byrd	Inouye	Weicker
Denton	Johnston	Zorinsky
Dole	Laxalt	

Mr. BAKER. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Colorado (Mr. ARMSTRONG), the Senator from New York (Mr. D'AMATO), the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. GARN), the Senator from Utah (Mr. HATCH), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. HECHT), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Virginia (Mr. WARNER), and the Senator from Delaware (Mr. ROTH), are necessarily absent.

Mr. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from Florida (Mr. CHILES), the Senator from North Dakota (Mr. BURDICK), the Senator

from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN), is absent on official business.

(During the call of the roll Mr. SYMMS occupied the Chair.)

The PRESIDING OFFICER (Mr. GORTON). A quorum is present.

Mr. BAKER. Mr. President, once again, the distinguished Senator from West Virginia, the minority leader, has saved the day. [Laughter.]

Mr. President, we have been on this quorum call—one or the other of two quorums—since 2:25 this afternoon. I anticipated a slow day, but I had not anticipated it being this slow.

Mr. President, there is nothing more we can do today on the defense authorization bill. I have a few odds and ends I should like to take care of before I put the Senate into morning business.

#### ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not past 6:50 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY

##### ORDER FOR RECESS UNTIL 10:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, after the recognition of the two leaders on tomorrow under the standing order, I ask unanimous consent that three

Senators be recognized on special orders of not to exceed 15 minutes, in this order: Senators SPECTER, PROXMIER, and SYMMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON TO 2 P.M.

Mr. BAKER. Mr. President, tomorrow is Tuesday, and the caucuses of Senators of both parties will occur, as is the usual practice on Tuesday. Those caucuses are of a quasi-official nature. They occur out of the Senate Chamber and separately. In order to accommodate that, I ask unanimous consent that on tomorrow at 12 noon, the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that any time remaining after the execution of the special orders on tomorrow and prior to 12 noon be devoted to the transaction of routine morning business, in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, will the majority leader be good enough to respond to an inquiry?

I heard the statement about the special orders, and I know that a special arrangement for the caucuses of the respective parties will occur. Is it the understanding of the majority leader that we will return to the consideration of this bill sometime during the morning hour?

Mr. BAKER. Yes.

Mr. President, let me put it this way, because there should be a time tomorrow, before the caucuses, to get back to the defense authorization bill, at which time I believe the appeal of the ruling of the Chair will be the pending question.

Mr. President, I modify the request so that the time for the transaction of routine morning business will extend not later than 11:50 a.m., under the same terms and conditions, and that at 11:50 a.m. the Senate resume consideration of the pending measure. The remainder of the request is as I stated.

We will come in at 10:30 a.m., and the two leaders will be recognized for not more than 10 minutes each. There will be three special orders of not to exceed 15 minutes each.

There will be a period for the transaction of routine morning business, which will be of indeterminate length, depending on how long the leaders' time may be and how long the special orders may take—routine morning business until 11:50.

Then, for 10 minutes only, we will return to the consideration of this measure; and at 12 o'clock noon we will recess until 2 p.m.

Mr. METZENBAUM. So that if the Senator from Ohio is not on the floor at 11:50 a.m., that will be adequate to protect him.

Mr. BAKER. Mr. President, the Senate will resume consideration of this matter at 11:50 a.m.

Mr. METZENBAUM. I thank the majority leader for his courtesy.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

#### ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is at least one other Senator who is on his way to the floor to make the quorum. The last best hopes we had were Senator DENTON, who I see has now arrived in the Chamber, and I express my gratitude to him for arriving under difficult circumstances, and the Senator from West Virginia.

There are two matters that appear to be cleared for action by unanimous consent, and I will state them now for the benefit of the minority leader and other Senators.

#### EXTENSION OF TIME FOR CONSIDERATION OF S. 869

Mr. BAKER. Mr. President, I ask unanimous consent that under the provisions of the unanimous consent agreement of June 10 (legislative day of June 6), the Committee on Foreign Relations have until July 18 for the consideration of section 205 of S. 869.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, this extension is necessary because 2 days prior to the committee's scheduled June 30 markup the Senate adjourned for the July 4 recess making it impossible to get a quorum of the committee to complete markup by the July 10 end of the referral period. I have discussed this request with the chairman and ranking member of the Banking Subcommittee. They do not object to extending the referral period from July 10 to July 18.

#### REMOVAL OF INJUNCTION OF SECRECY—TWO PROTOCOLS FOR THE EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT, 1971

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two protocols for the extension of the International Wheat Agreement, 1971 (treaty document 98-5), transmitted to the Senate today by the President of the United States; and ask that the protocols be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to

be printed; and the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

#### To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocols for the Extension of the Wheat Trade Convention, 1971, and the Food Aid Convention, 1980, which Conventions constitute the International Wheat Agreement, 1971. The Protocols were adopted by the International Wheat Council which met in London in December 1982 and were open for signature in Washington from April 4 through May 10, 1983. They were signed by the Secretary of Agriculture for the United States on April 25, 1983.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Protocols.

The Protocols extend both Conventions through June 30, 1986. They maintain the framework for international cooperation in wheat trade matters, continue the existence of the International Wheat Council, and extend the parties' commitments to provide minimum annual quantities of cereals food aid to developing countries.

I ask that the Senate give early and favorable consideration to the two Protocols so that ratification by the United States can be effected at an early date. Doing so will demonstrate our continued commitment to cooperation on international wheat trade matters and to providing food aid to needy developing nations.

RONALD REAGAN.

THE WHITE HOUSE, July 11, 1983.

#### ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have nothing further to address the Senate this evening.

I look about the Chamber and I see the Senator from Alabama, Senator DENTON, two Senators from the State of West Virginia, and numerous diligent and dedicated staff.

Mr. President, I will now ask that the Senate stand in recess, since none of them, including staff, appear to be seeking recognition.

#### RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:50 p.m., the Senate recessed until to-



morning, Tuesday, July 12, 1983, at 10:30 a.m.

### NOMINATIONS

Executive nominations received by the Secretary of the Senate July 8, 1983, under the authority of the order of the Senate of June 29, 1983:

#### FEDERAL RESERVE SYSTEM

Paul A. Volcker, of New Jersey, to be chairman of the Board of Governors of the Federal Reserve System for a term of 4 years (reappointment).

#### IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a), title 10 of the United States Code, as amended:

#### LINE OF THE AIR FORCE

##### To be lieutenant colonel

Maj. David A. Beasley, xxx-xx-xxxx  
Maj. Teddy E. Brock, xxx-xx-xxxx  
Maj. Gregory J. Maciolek, xxx-xx-xxxx  
Maj. Donald E. Nieser, xxx-xx-xxxx  
Maj. Robert F. Query, xxx-xx-xxxx  
Maj. Charles D. Ralls, xxx-xx-xxxx  
Maj. Kenneth A. Schroer, xxx-xx-xxxx  
Maj. Gary L. Willard, xxx-xx-xxxx  
Maj. George E. Wilson III, xxx-xx-xxxx

#### LEGAL

Maj. Steven W. Smoger, xxx-xx-xxxx

#### CHAPLAIN

Maj. Frank A. Mitolo, xxx-xx-xxxx  
Maj. Xel Sant'Anna, xxx-xx-xxxx

Executive nominations received by the Senate July 11, 1983:

#### SECURITIES AND EXCHANGE COMMISSION

Charles C. Cox, of Texas, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1988, vice John R. Evans, term expired.

#### IN THE AIR FORCE

The following persons for appointment as Reserve of the Air Force, the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code to perform the duties indicated.

#### MEDICAL CORPS

##### To be lieutenant colonel

Absolon, Karel B., xxx-xx-xxxx  
Airhart, Richard A., xxx-xx-xxxx  
Brennan, James R., xxx-xx-xxxx  
Brewer, Robert L., xxx-xx-xxxx  
Camacho, Luis G., xxx-xx-xxxx  
Campbell, Robert L., xxx-xx-xxxx  
Cates, Donald H., xxx-xx-xxxx  
Cayce, John H., xxx-xx-xxxx  
Criales, Nicholas J., xxx-xx-xxxx  
Ellis, Leland., xxx-xx-xxxx  
Fischer, Craig L., xxx-xx-xxxx  
Gehling, Gerald F., xxx-xx-xxxx  
Grant, George N., xxx-xx-xxxx  
Lawson, Herschel W., xxx-xx-xxxx  
Lim, Roland A., xxx-xx-xxxx  
McMenamin, Joseph D., xxx-xx-xxxx  
Morrow, Robert L., Jr., xxx-xx-xxxx  
Nellis, Noel, xxx-xx-xxxx  
Picache, Reginaldo S., xxx-xx-xxxx  
Rogers, James H., Jr., xxx-xx-xxxx  
Sutliff, Lourell E., xxx-xx-xxxx  
Sweeney, Donal F., xxx-xx-xxxx  
Tramont, Charles V., xxx-xx-xxxx

Vaclavek, Caridad L., xxx-xx-xxxx  
Walter, Charles T., Jr., xxx-xx-xxxx

The following person for appointment as a Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code.

#### LINE OF THE AIR FORCE

##### To be lieutenant colonel

Harper, Steven V., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of sections 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

#### MEDICAL CORPS

##### To be colonel

McLean, Thomas N., xxx-xx-xxxx

##### To be lieutenant colonel

Hagen, William M., xxx-xx-xxxx  
King, John P., xxx-xx-xxxx  
Lefton, Theodore E., xxx-xx-xxxx  
Rosenthal, Paul G., xxx-xx-xxxx

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code (non-EAD).

#### MEDICAL CORPS

##### To be lieutenant colonel

Kidd, Ralph V., III, xxx-xx-xxxx  
Hilsman, Thomas A., xxx-xx-xxxx

The following Air Force officer for appointment as permanent professor, U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

Royer, Erlind G., xxx-xx-xxxx

#### IN THE AIR FORCE

The following midshipmen, U.S. Naval Academy, for appointment as second lieutenants in the Regular Air Force, under the provisions of sections 541 and 531, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

Brummett, Scott L., xxx-xx-xxxx  
Bubier, Scott L., xxx-xx-xxxx  
Greenway, John P., xxx-xx-xxxx  
Kornchuk, Carl W., xxx-xx-xxxx  
Smith, Leonard, Jr., xxx-xx-xxxx

#### IN THE ARMY

The following named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

#### JUDGE ADVOCATE GENERAL'S CORPS

##### To be major

Stearns, James N., Jr., xxx-xx-xxxx

##### To be captains

Barton, Philip W., xxx-xx-xxxx  
Beaudoin, David D., xxx-xx-xxxx  
Bodager, Bradley E., xxx-xx-xxxx  
Brunjes, David H., xxx-xx-xxxx  
Caldwell, John W., Jr., xxx-xx-xxxx  
Charters, Alexander W., xxx-xx-xxxx  
Chiaparas, Emmanuel M., xxx-xx-xxxx  
Coyne, James M., xxx-xx-xxxx  
Egan, Becky A., xxx-xx-xxxx  
Garza, Joe A., Jr., xxx-xx-xxxx  
Grimstad, Paul T., xxx-xx-xxxx  
Hoadley, Michael W., xxx-xx-xxxx  
King, Blaine J., xxx-xx-xxxx  
Laverdure, Richard P., xxx-xx-xxxx  
Littlefield, Ralph L., xxx-xx-xxxx  
Lodge, Joseph J., Jr., xxx-xx-xxxx

Lucey, Leonard L., xxx-xx-xxxx  
McCallum, Daniel F., xxx-xx-xxxx  
Mellies, Charles B., xxx-xx-xxxx  
Puffer, Roger C., xxx-xx-xxxx  
Saye, John J., xxx-xx-xxxx  
Short, John J., xxx-xx-xxxx  
Underwood, Anthony P., xxx-xx-xxxx  
Vitaris, Richard W., xxx-xx-xxxx  
Wagner, James C., xxx-xx-xxxx  
Walsh, Gary L., xxx-xx-xxxx  
Wolanin, Stanley J., xxx-xx-xxxx

#### IN THE ARMY

The following named officers for permanent promotion in the U.S. Army, and appointment into the Regular Army as appropriate, in accordance with the appropriate provisions of title 10, United States Code:

##### To be lieutenant colonel

Caylor, Larry E., xxx-xx-xxxx  
Kotouch, James H., xxx-xx-xxxx  
Thomas, Cleveland Jr., xxx-xx-xxxx

#### MEDICAL SERVICE CORPS

##### To be lieutenant colonel

Hinkel, Robert E., xxx-xx-xxxx

##### To be major

Davidson, James D., xxx-xx-xxxx  
Varin Francis W., xxx-xx-xxxx

#### MEDICAL CORPS

##### To be major

Beson, James L., xxx-xx-xxxx  
Bryant, Clarence J., xxx-xx-xxxx  
Busack, James A., xxx-xx-xxxx  
Jumelle, Antoine J. M., xxx-xx-xxxx  
Parke, Charles D., xxx-xx-xxxx  
Vanasche, Christopher, xxx-xx-xxxx

#### IN THE ARMY

The following named officers for permanent promotion in the U.S. Army, and appointment into the Regular Army as appropriate, in accordance with the appropriate provisions of title 10, United States Code:

##### To be colonel

Hickman, Stanford W., xxx-xx-xxxx

##### To be lieutenant colonel

Kennedy, Catherine L., xxx-xx-xxxx  
Slakie, Ronald J., xxx-xx-xxxx

#### MEDICAL SERVICE CORPS

##### To be lieutenant colonel

Harrell, John C., xxx-xx-xxxx

#### DENTAL CORPS

##### To be lieutenant colonel

Woehrle, Richard R., xxx-xx-xxxx

#### JUDGE ADVOCATE GENERAL'S CORPS

##### To be major

Nockleby, Brian E., xxx-xx-xxxx

#### IN THE MARINE CORPS

The following named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Caldwell, Robert H., xxx-xx-xxxx  
Clark, Arthur L., xxx-xx-xxxx  
Locke, Randall W., xxx-xx-xxxx

The following named U.S. Naval Academy graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531, subject to the qualifications therefor as provided by law:

Mitchell, Troy M., xxx-xx-xxxx